

# Exhibit 1

DESHEILA HOWLETT  
December 27, 2017

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 DESHEILA C. HOWLETT, 6 Plaintiff, 7 vs. Case No. 17-11260 8 Hon. Terence G. Berg 9 CITY OF WARREN, COMMISSIONER Mag. R. Steven Whalen 10 JERE GREEN, acting in his 11 individual capacity, LT. LAWRENCE 12 GARDNER, SHAWN JOHNSON, DAWN 13 McLANE, BARBARA BEYER, ANWAR KHAN, 14 DARRIN LABIN, WILLIAM ROSS, KEVIN 15 BARNHILL, PAUL HOUTOS, SCOTT TAYLOR, 16 Defendants. 17 18 19 20 The Videotaped Deposition of DESHEILA HOWLETT, 21 Taken at 333 West Fort Street, 15th Floor, 22 Detroit, Michigan, 23 Commencing at 10:09 a.m., 24 Wednesday, December 27, 2017, 25 Before Alison C. Webster, CSR-6266, RPR.</p>	<p>1 ETHAN VINSON 2 City of Warren, City Attorney's Office 3 One City Square 4 Suite 400 5 Warren, Michigan 48093 6 586.574.4671 7 evinson@cityofwarren.org 8 Co-counsel appearing on behalf of the Defendants. 9 10 ALSO PRESENT: 11 Justin Dloski, Video Technician 12 Mark Simlar 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES: 2 3 LEONARD MUNGO 4 The Mungo Law Firm, P.L.C. 5 333 West Fort Street 6 Suite 1500 7 Detroit, Michigan 48226 8 313.963.0407 9 mungol16@msn.com 10 Appearing on behalf of the Plaintiff. 11 12 JAMES R. ACHO 13 ELIZABETH RAE-O'DONNELL 14 Cummings, McClorey, Davis &amp; Acho, P.L.C. 15 17436 College Parkway 16 Livonia, Michigan 48152 17 734.261.2400 18 jacho@cmda-law.com 19 erae@cmda-law.com 20 Appearing on behalf of the Defendants. 21 22 23 24 25</p>	<p>1 TABLE OF CONTENTS 2 3 Witness Page 4 DESHEILA HOWLETT 5 6 EXAMINATION 7 BY MR. ACHO: 8 8 EXAMINATION 9 BY MR. MUNGO: 217 10 RE-EXAMINATION 11 BY MR. ACHO: 272 12 13 EXHIBITS 14 15 Exhibit Page 16 17 (Exhibits attached to transcript.) 18 19 DEPOSITION EXHIBIT 1 31 20 DEPOSITION EXHIBIT 2 50 21 DEPOSITION EXHIBIT 3 54 22 DEPOSITION EXHIBIT 4 66 23 DEPOSITION EXHIBIT 5 66 24 DEPOSITION EXHIBIT 6 76 25</p>

DESHEILA HOWLETT  
December 27, 2017

Page 5	Page 7
<p>1 Detroit, Michigan 2 Wednesday, December 27, 2017 3 10:09 a.m. 4 5 VIDEO TECHNICIAN: We are now on the record 6 at 10:09 a.m. This is the videotaped deposition of 7 Desheila Howlett being taken on December 27th, 2017. 8 We are located at 333 West Fort Street, 9 Suite 1500, Detroit, Michigan. 10 We are here in the matter of Howlett versus 11 City of Warren, et al., case number 17-11260. 12 My name is Justin Dloski. 13 If the attorneys would identify themselves 14 for the record, the reporter will then swear in the 15 witness. 16 MR. ACHO: Okay. Let the record reflect 17 this is the date and time set for the deposition of 18 Desheila Howell pursuant to Notice and concurrence of 19 counsel. It is to be used for all purposes allowable 20 under the court rules. 21 Ms. Howlett, my name is James Acho. I'm 22 representing -- 23 COURT REPORTER: Mr. Acho, if I can 24 interrupt and swear in the witness. 25 MR. ACHO: Sorry.</p>	<p>1 right is Mr. Ethan Vinson, City attorney for the City 2 of Warren, and your counsel, Mr. Mungo. 3 For the record, Mr. Mungo handed me, prior 4 to the deposition, a report from Dr. Gerald Shiener, 5 dated November 27th of this year, so I suppose what I 6 would do at this point is just reserve my right, if 7 necessary, to continue your deposition for limited 8 purposes after today if there is anything regarding 9 this report that we need to come back about since it's 10 a month old and I was just handed it moments ago. So 11 I don't anticipate that, but I would just like to 12 protect the record. 13 Was there something else that you indicated 14 you wanted to add -- 15 MR. MUNGO: Yes. 16 MR. ACHO: -- Mr. Mungo? 17 MR. MUNGO: Yes, sir. I would like the 18 record to reflect that I had requested in previous 19 telephone conversation with Mr. Vincent -- 20 MR. VINSON: Vinson. 21 MR. MUNGO: -- Vinson, City attorney of 22 Warren, the application for short-term disability 23 benefits and a copy of the document, excerpt from the 24 Collective Bargaining Agreement between the City of 25 Warren and the Warren Police Officers Association</p>
Page 6	Page 8
<p>1 COURT REPORTER: Thank you. 2 Ms. Howlett, would you please raise your 3 right hand? 4 Do you swear or affirm the testimony you 5 are about to give in this matter will be the truth, 6 the whole truth, and nothing but the truth? 7 MS. HOWLETT: Yes, I do. 8 COURT REPORTER: Thank you. 9 DESHEILA HOWLETT, 10 was thereupon called as a witness herein, and after 11 having first been duly sworn to testify to the truth, 12 the whole truth and nothing but the truth, was 13 examined and testified as follows: 14 MR. ACHO: As I was saying, my name is 15 James Acho and I represent the City of Warren, and I'm 16 here to take your deposition. As you know, I 17 introduced myself to you prior to the deposition. 18 Madam Court Reporter, did you get down my 19 preface remarks, or do you need them again regarding 20 the deposition is being taken pursuant to Notice and 21 concurrence with counsel and is to be used for all 22 purposes allowed under the court rules. 23 Also present here today to my right is 24 Ms. Beth Rae-O'Donnell, my co-counsel. To her right 25 is Mr. Mark Simlar from the City of Warren. To his</p>	<p>1 pertaining to short-term disability benefits, and he 2 did provide me with those two documents today, the 3 denial, and was pointing out to me that she was 4 denied -- Ms. Howlett was denied her short-term 5 disability benefits because it was a -- there was a 6 determination that the injury was work-related; is 7 that correct? 8 MR. VINSON: That's correct. 9 MR. ACHO: Okay. 10 EXAMINATION 11 BY MR. ACHO: 12 Q. Can you please state your full legal name for the 13 record? 14 A. <b>Desheila Cheri Howlett.</b> 15 Q. And how is Cheri spelled? 16 A. <b>C-h-e-r-i.</b> 17 Q. Okay. Ms. Howlett, are you on any medications today 18 that would in any way affect the way you testify or as 19 to your memory? 20 A. <b>I am on medication.</b> 21 Q. Okay. Do any of those medications, as you know it, 22 affect memory? 23 A. <b>Not to my knowledge.</b> 24 Q. So there's no reason why your memory would be impaired 25 in any way today?</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 9</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. Have you ever had your deposition taken before?</p> <p>3 A. Regarding my job, yes.</p> <p>4 Q. Okay. What job was that?</p> <p>5 A. Being a police officer.</p> <p>6 Q. Being a police officer where?</p> <p>7 A. In the city of Warren.</p> <p>8 Q. Okay. And what was that deposition regarding?</p> <p>9 A. A car accident that I investigated.</p> <p>10 Q. When was this?</p> <p>11 A. Probably within the last year or so.</p> <p>12 Q. Okay. Do you know the end result of the case?</p> <p>13 A. No, I do not.</p> <p>14 Q. Were you a defendant?</p> <p>15 A. No.</p> <p>16 Q. Okay. Have you ever been a defendant in a case -- in</p> <p>17 any type of civil or criminal case?</p> <p>18 A. No.</p> <p>19 Q. Okay. Have you ever been a plaintiff?</p> <p>20 A. Yes.</p> <p>21 Q. You have.</p> <p>22 A. Yes.</p> <p>23 Q. Other than this case, I mean.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And how many times and -- let's start with the</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. Did you miss time from work?</p> <p>3 A. Yes.</p> <p>4 Q. How much time did you miss from work?</p> <p>5 A. Four months.</p> <p>6 Q. Did you collect -- strike that.</p> <p>7 You -- did the accident happen on the job?</p> <p>8 A. No, sir.</p> <p>9 Q. So you did not have the benefit of workers' comp for</p> <p>10 that -- those four months off; correct?</p> <p>11 A. Short-term disability.</p> <p>12 Q. Short-term? Okay. Did you settle the case?</p> <p>13 A. Yes, sir.</p> <p>14 Q. How much did you settle it for?</p> <p>15 A. 25,000.</p> <p>16 Q. Okay. Did you allege any type of emotional damages as</p> <p>17 a result of the accident? Meaning, a lot of people</p> <p>18 that are in car accidents will allege anxiety, that</p> <p>19 they have anxiety driving after they've been in an</p> <p>20 accident.</p> <p>21 A. No, sir.</p> <p>22 Q. And you -- you believe it was filed in Macomb County</p> <p>23 Circuit?</p> <p>24 A. Yes.</p> <p>25 Q. I'm sorry if I asked you this. Do you know the name</p>
<p style="text-align: right;">Page 10</p> <p>1 most recent.</p> <p>2 A. 2011, car accident.</p> <p>3 Q. And did you file a lawsuit?</p> <p>4 A. Yes.</p> <p>5 Q. Where did you file a lawsuit?</p> <p>6 A. Through Mike Morse.</p> <p>7 Q. Okay. Did he win?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Because you know that's what he does.</p> <p>10 Where was the lawsuit filed?</p> <p>11 A. In the city of Southfield is where the accident</p> <p>12 occurred.</p> <p>13 Q. Okay. So Oakland County Circuit, maybe?</p> <p>14 A. I think it's the county that I live in, so it would be</p> <p>15 Macomb, they said.</p> <p>16 Q. Okay. Do you remember the name of the defendant?</p> <p>17 A. No.</p> <p>18 Q. What were the injuries that you alleged you suffered</p> <p>19 from the car accident?</p> <p>20 A. I had a -- like a strained or torn muscle in my left</p> <p>21 arm and three bulging disks in my lower back and a</p> <p>22 tear in my spine, top of my spine.</p> <p>23 Q. Did you undergo any surgery?</p> <p>24 A. No.</p> <p>25 Q. Did you undergo physical therapy?</p>	<p style="text-align: right;">Page 12</p> <p>1 of the defendant?</p> <p>2 A. No.</p> <p>3 Q. But you're sure it was 2011?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Any other times where you have been a plaintiff</p> <p>6 in a lawsuit?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. When was the time previous to the car accident</p> <p>9 in 2011?</p> <p>10 A. I believe it would have been 2003, approximately.</p> <p>11 Q. Okay. What kind of case was that?</p> <p>12 A. I had invested in a business and several other people</p> <p>13 invested and we all lost our investments.</p> <p>14 Q. What kind of business?</p> <p>15 A. It was like a -- it was called Hurt So Good Music</p> <p>16 Productions.</p> <p>17 Q. Okay. A music production company?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Who was the defendant that you sued?</p> <p>20 A. Sheryl Hurt.</p> <p>21 Q. How do you spell that?</p> <p>22 A. I believe it's with an S, Sheryl, and Hurt, H-u-r-t.</p> <p>23 Q. S-h-e-r-y-l?</p> <p>24 A. Or I, I'm not sure.</p> <p>25 Q. Okay. How much did you allege that you lost in that</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 13</p> <p>1 investment?</p> <p>2 <b>A. It was a total of 16,000.</b></p> <p>3 Q. From -- from you or from everyone?</p> <p>4 <b>A. From me.</b></p> <p>5 Q. Okay. How did you know Ms. Hurt?</p> <p>6 <b>A. She -- one of my best friends, she was a friend of</b></p> <p>7 <b>hers, and she had a jewelry store, where I went to</b></p> <p>8 <b>school at Eastern.</b></p> <p>9 Q. Okay. Ms. Hurt has a jewelry store?</p> <p>10 <b>A. She had.</b></p> <p>11 Q. She had. No longer does?</p> <p>12 <b>A. Not to my knowledge.</b></p> <p>13 Q. Do you have communication to this day with Ms. Hurt?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Do you have any contact information for her?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Do you know where she lives?</p> <p>18 <b>A. Last I heard of, I think it was, like, Ypsilanti,</b></p> <p>19 <b>Ann Arbor area.</b></p> <p>20 Q. Okay. Where did you file that lawsuit?</p> <p>21 <b>A. Ypsilanti.</b></p> <p>22 Q. Would it have been Washtenaw County Circuit?</p> <p>23 <b>A. Should be, yes.</b></p> <p>24 Q. Okay. Who was your attorney?</p> <p>25 <b>A. I didn't have an attorney.</b></p>	<p style="text-align: right;">Page 15</p> <p>1 <b>A. Yes, sir.</b></p> <p>2 Q. Okay. What is your Social Security number?</p> <p>3 MR. ACHO: I would ask that, for</p> <p>4 Ms. Howlett's protection, only the last four digits</p> <p>5 are reflected in the record.</p> <p>6 <b>A. [REDACTED]</b></p> <p>7 BY MR. ACHO:</p> <p>8 Q. Do you --</p> <p>9 MR. MUNGO: Excuse me just a moment.</p> <p>10 We did just get the last four? Thank you.</p> <p>11 BY MR. ACHO:</p> <p>12 Q. Do you possess a valid Michigan driver's license?</p> <p>13 <b>A. Yes, sir.</b></p> <p>14 Q. Did you bring it with you today?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Can I see it?</p> <p>17 <b>A. It's in his office.</b></p> <p>18 Q. That's all right. We'll look at it later. Do you</p> <p>19 know your driver's license number off the top of your</p> <p>20 head?</p> <p>21 <b>A. No, sir.</b></p> <p>22 Q. Okay.</p> <p>23 MR. MUNGO: It's -- Counsel, it is part of</p> <p>24 the documents that we have given you in discovery, in</p> <p>25 discovery requests. If you want her to pull it out</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. So you were -- you represented yourself?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Any other lawsuits?</p> <p>4 <b>A. No.</b></p> <p>5 Q. So those are the only two times where you sued</p> <p>6 somebody?</p> <p>7 <b>A. Uh-huh.</b></p> <p>8 Q. Yes?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. I'm sorry, I did not -- typically, I give ground</p> <p>11 rules. I just need you to answer in the affirmative</p> <p>12 or the negative as opposed to an uh-huh or huh-uh</p> <p>13 because our court reporter won't be able to take it</p> <p>14 down.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Also, if you need a break at any time, just ask me.</p> <p>17 It's not a problem. I would just ask that you answer</p> <p>18 any question that's on the table that's been posed</p> <p>19 before you take a break.</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. Have you ever been a witness in a case, civil</p> <p>22 or criminal?</p> <p>23 <b>A. Only for work-related things.</b></p> <p>24 Q. Okay. Only for criminal matters where the police</p> <p>25 arrested somebody?</p>	<p style="text-align: right;">Page 16</p> <p>1 now, she can do that, or if you want to do it later --</p> <p>2 MR. ACHO: That's all right. We'll come</p> <p>3 back to it.</p> <p>4 BY MR. ACHO:</p> <p>5 Q. What is your date of birth?</p> <p>6 <b>A. [REDACTED]</b></p> <p>7 Q. And where were you born?</p> <p>8 <b>A. Flint, Michigan.</b></p> <p>9 Q. Your ethnic origin -- your ethnicity would be best</p> <p>10 described as what?</p> <p>11 <b>A. African-American.</b></p> <p>12 Q. Typically I ask individuals if they've ever been</p> <p>13 convicted of a crime, but knowing that you have been</p> <p>14 hired at multiple police departments, I'm assuming you</p> <p>15 don't have any type of felony convictions; is that</p> <p>16 accurate?</p> <p>17 <b>A. Yes, sir.</b></p> <p>18 Q. Okay. Have you ever been arrested before?</p> <p>19 <b>A. No, sir.</b></p> <p>20 Q. Okay. Where do you currently reside?</p> <p>21 <b>A. You want the actual address?</b></p> <p>22 Q. Please.</p> <p>23 <b>A. [REDACTED]</b></p> <p>24 Q. Okay.</p> <p>25 MR. MUNGO: Counsel, it should be reflected</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 17</p> <p>1 in the record that that has been provided to the 2 defendants as part of the discovery. 3 MR. ACHO: No, no, I know that these are 4 typically part of the written requests, but 5 sometimes -- 6 MR. MUNGO: No, that's fine. 7 MR. ACHO: Yeah, sometimes things change in 8 the interim and sometimes answers change, truthfully, 9 so... 10 BY MR. ACHO: 11 Q. Is this a home or an apartment? 12 A. <b>A home.</b> 13 Q. Okay. Do you own the home or rent? 14 A. <b>Own.</b> 15 Q. You own it? 16 A. <b>Yes.</b> 17 Q. Okay. Do you have a mortgage? 18 A. <b>Yes.</b> 19 Q. Who is the mortgage through? 20 A. <b>The name just changed.</b> 21 MR. MUNGO: Is it in the records that we 22 provided? 23 THE WITNESS: Yes. 24 MR. MUNGO: Okay. You want to take a look? 25 Or it's up to counsel.</p>	<p style="text-align: right;">Page 19</p> <p>1 <b>you know how they transfer you over?</b> 2 Q. I do. 3 A. <b>So I don't know, off the top of my head. I'm sorry.</b> 4 Q. How much is your mortgage? 5 A. <b>1,101.</b> 6 Q. Is that with property taxes included? 7 A. <b>Yes.</b> 8 Q. Do you have any home equity loans? 9 A. <b>No.</b> 10 Q. How long have you lived in this home? 11 A. <b>Four years.</b> 12 Q. Where did you live prior? 13 A. <b>Prior to that, it would have been the city of Madison</b> 14 <b>Heights.</b> 15 Q. And was that a home or an apartment? 16 A. <b>Apartment.</b> 17 Q. Do you remember the address? 18 A. <b>No.</b> 19 Q. Do you know who the landlord was? 20 A. <b>It was a large company. They own a lot of apartment</b> 21 <b>buildings.</b> 22 Q. All right. Would you be able to, if not at break, 23 after the deposition, get that address to me through 24 your attorney? 25 A. <b>It should be in here.</b></p>
<p style="text-align: right;">Page 18</p> <p>1 MR. ACHO: Well, is that something -- I 2 mean, a lot of these things, I would think she would 3 know off the top of her head, to be honest with you, 4 so... 5 MR. MUNGO: Well, Counsel, there is a -- 6 many of the questions that you're asking her is 7 already provided in her response to a -- 8 MR. ACHO: No, I know, but as I just 9 indicated, sometimes I will ask things that I 10 requested in a written form because sometimes answers 11 change. 12 MR. MUNGO: No, that's fine. That's fine. 13 I understand that. It -- I just note -- noted that 14 you hadn't asked her if any of this information had 15 changed yet. So I -- it's up to you. You can go 16 ahead and continue. But she does have it in here, if 17 you want her to look at it -- 18 MR. ACHO: Okay. 19 MR. MUNGO: -- and find it. 20 MR. ACHO: I don't recall that specific 21 one. 22 BY MR. ACHO: 23 Q. So do you know, as we sit here, who your mortgage is 24 through? 25 A. <b>The company just got bought out by somebody else, so</b></p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. 2 MR. MUNGO: If you want it now, Counsel, 3 she can get it for you. 4 MR. ACHO: That's okay. 5 MR. MUNGO: It's -- which -- just for the 6 record, so that the record is clear, that information 7 has been provided through response to the discovery 8 requests. 9 MR. ACHO: Okay. Some of this, also, you 10 understand, is a test of your client's memory, and so 11 far she's been unable to answer a number of questions 12 that I would think she would know, so it's -- there's 13 a method to the madness, as you're aware. 14 BY MR. ACHO: 15 Q. So prior to the -- 16 MR. MUNGO: Yeah. And, Counsel, just as -- 17 my client understands that there's certain things that 18 she will remember and there are certain things that 19 she won't. 20 MR. ACHO: So it's convenient. 21 MR. MUNGO: Being -- being human -- 22 MR. ACHO: It's a convenient memory? Is 23 that what you're saying? 24 MR. MUNGO: Well -- 25 MR. ACHO: If it's convenient to her</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 21</p> <p>1 lawsuit, she'll remember it, but...</p> <p>2 MR. MUNGO: Well -- well, it's --</p> <p>3 MR. ACHO: If it could potentially hurt</p> <p>4 her, is that what you're saying?</p> <p>5 MR. MUNGO: Well, if convenient is</p> <p>6 synonymous with human -- being a human memory.</p> <p>7 MR. ACHO: All right.</p> <p>8 MR. MUNGO: So that's why she brought her</p> <p>9 documents, because I'm assuming that you want accurate</p> <p>10 testimony from her, and so that's why she brought the</p> <p>11 documents so that she could readily access it in the</p> <p>12 event that she does not recall, so that she can give</p> <p>13 you accurate testimony.</p> <p>14 MR. ACHO: Okay.</p> <p>15 BY MR. ACHO:</p> <p>16 Q. I asked where you lived prior to the home that you</p> <p>17 reside in, and you said that would be Madison Heights.</p> <p>18 Isn't it true that you lived in a home in Warren that</p> <p>19 you rented or a condominium in Warren that you rented</p> <p>20 from one of the other police officers?</p> <p>21 <b>A. The condominium was not in Warren.</b></p> <p>22 Q. Where was it at?</p> <p>23 <b>A. Nineteen Mile and Hall Road.</b></p> <p>24 Q. And what city is that?</p> <p>25 <b>A. Clinton Township.</b></p>	<p style="text-align: right;">Page 23</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Okay. And he agreed to rent it to you?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. And how long did you live there?</p> <p>5 <b>A. It was a year lease, but I didn't complete the year.</b></p> <p>6 Q. Is that because he evicted you?</p> <p>7 <b>A. No, sir.</b></p> <p>8 Q. Did he begin eviction proceedings?</p> <p>9 <b>A. No, sir.</b></p> <p>10 Q. He did not?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Was there -- well, how is it you happened to leave</p> <p>13 prior to the expiration of the lease?</p> <p>14 <b>A. My mother was terminally ill and died.</b></p> <p>15 Q. Okay. But how does that have anything to do with you</p> <p>16 leaving prior to the expiration of a lease?</p> <p>17 <b>A. Because we had a conversation about the fact that my</b></p> <p>18 <b>mother needed full-term -- full-time care.</b></p> <p>19 Q. And so Mr. Priemer allowed you to break the lease?</p> <p>20 <b>A. Yes, sir.</b></p> <p>21 Q. And it's your testimony that he never started eviction</p> <p>22 proceedings?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Was there any type of disagreement between you and</p> <p>25 Mr. Priemer over the fact that you had been late or</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And did you live there prior to the Madison</p> <p>2 Heights address? It was after Madison Heights, wasn't</p> <p>3 it?</p> <p>4 <b>A. No.</b></p> <p>5 Q. No?</p> <p>6 VIDEO TECHNICIAN: If you can try not to --</p> <p>7 because it makes noise.</p> <p>8 THE WITNESS: Okay.</p> <p>9 BY MR. ACHO:</p> <p>10 Q. When did you live at the Clinton Township address?</p> <p>11 <b>A. It would have been -- let me see. If I've been in</b></p> <p>12 <b>Warren for four, Madison Heights a year, approximately</b></p> <p>13 <b>five or six years ago.</b></p> <p>14 Q. Okay. And who did you rent that home from?</p> <p>15 <b>A. Curt Priemer.</b></p> <p>16 Q. And how do you spell his name?</p> <p>17 <b>A. C-u-r-t P-r-i-e-m-e-r.</b></p> <p>18 Q. Okay. And Curt Priemer is a police officer in the</p> <p>19 city of Warren?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. How is it you came to rent a home from him?</p> <p>22 <b>A. He let people know that he was going to be moving out</b></p> <p>23 <b>soon and that he wanted to rent his property.</b></p> <p>24 Q. Okay. And so you approached him and said you wanted</p> <p>25 to rent it?</p>	<p style="text-align: right;">Page 24</p> <p>1 failed to make rent payments?</p> <p>2 <b>A. I had never been late on a payment and I didn't fail</b></p> <p>3 <b>to make any payments.</b></p> <p>4 Q. So there was never any issue with the timeliness of</p> <p>5 your paying rent?</p> <p>6 <b>A. No, sir.</b></p> <p>7 Q. So if Officer Priemer were to testify that there were,</p> <p>8 would he be mistaken?</p> <p>9 <b>A. No.</b></p> <p>10 Q. How -- well, I'm confused. How --</p> <p>11 <b>A. He asked for an additional month at the end because I</b></p> <p>12 <b>was leaving early, is the only discrepancy.</b></p> <p>13 Q. Okay. With whom do you reside currently?</p> <p>14 <b>A. Christina Howlett.</b></p> <p>15 Q. And Christina with a C?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Okay. Are you married?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And are you married to Christina Howlett?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. Were you married in the state of Michigan?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Where were you married?</p> <p>24 <b>A. California.</b></p> <p>25 Q. Is your marriage recognized in the state of Michigan?</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. Do you have children?</p> <p>3 A. No.</p> <p>4 Q. Did you at one time have a child?</p> <p>5 A. No.</p> <p>6 Q. Did you adopt a child at one point?</p> <p>7 A. No.</p> <p>8 Q. You did not?</p> <p>9 A. No.</p> <p>10 Q. A number of officers have told me that you had, for a</p> <p>11 brief time, adopted a child and then something went</p> <p>12 away and you no longer had custody of that child.</p> <p>13 Could you enlighten me as to what they're talking</p> <p>14 about?</p> <p>15 A. They're talking about my Goddaughter who I provided</p> <p>16 more, like, a baby-sitting care when her grandmother</p> <p>17 was at work.</p> <p>18 Q. And that's it?</p> <p>19 A. Yes.</p> <p>20 Q. And you never attempted to adopt that child?</p> <p>21 A. Absolutely not.</p> <p>22 Q. Have you ever been treated for substance abuse?</p> <p>23 A. No.</p> <p>24 Q. Drugs or alcohol?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Do you own your own vehicle?</p> <p>2 A. Yes.</p> <p>3 Q. And what do you drive?</p> <p>4 A. It's a Kia Sportage.</p> <p>5 Q. What year?</p> <p>6 A. 2011.</p> <p>7 Q. Do you have a monthly car note that you --</p> <p>8 A. Not on the Kia, no.</p> <p>9 Q. Okay. On Christina's vehicle?</p> <p>10 A. Yes.</p> <p>11 Q. And how much is that car payment?</p> <p>12 A. 400-something, I believe.</p> <p>13 Q. Do you know roughly what the insurance payment is on</p> <p>14 your vehicles monthly?</p> <p>15 A. Right at \$400.</p> <p>16 Q. And approximately what do you pay monthly for home</p> <p>17 insurance?</p> <p>18 A. It's right around 100, but it's included in the</p> <p>19 mortgage.</p> <p>20 Q. Do you have any student loans?</p> <p>21 A. Not anymore.</p> <p>22 Q. You've paid them all off?</p> <p>23 A. Yes.</p> <p>24 Q. Does Christina have student loans?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Do you use drugs or alcohol?</p> <p>2 A. I drink occasionally.</p> <p>3 Q. Just socially?</p> <p>4 A. Yes, sir.</p> <p>5 Q. How long have you been married to Christina?</p> <p>6 A. Since 2014.</p> <p>7 Q. Is Christina employed?</p> <p>8 A. Yes.</p> <p>9 Q. Where is she employed?</p> <p>10 A. St. John's.</p> <p>11 Q. Is that a hospital?</p> <p>12 A. Yes.</p> <p>13 Q. And is she a nurse?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know approximately how much she earns?</p> <p>16 A. Around about 55-.</p> <p>17 Q. Okay. I know you aren't working currently, but what</p> <p>18 is your current salary?</p> <p>19 A. I was right at about \$89,000 a year.</p> <p>20 Q. So your total household income is roughly 145,000; is</p> <p>21 that accurate?</p> <p>22 A. It was, yes.</p> <p>23 Q. Do you have any sources of income outside of the City</p> <p>24 of Warren or Christina's job at St. John's?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And approximately how much per month are her student</p> <p>2 loans?</p> <p>3 A. They're in deferment right now.</p> <p>4 Q. How come?</p> <p>5 A. Household responsibilities.</p> <p>6 Q. Can you sort of elaborate for me?</p> <p>7 A. We went from a two-person income to a one-person</p> <p>8 income, so she's prioritizing what she pays.</p> <p>9 Q. So you have no income currently?</p> <p>10 A. No.</p> <p>11 Q. Do you and Christina have any children together?</p> <p>12 A. No.</p> <p>13 Q. Does Christina have any children?</p> <p>14 A. No.</p> <p>15 Q. Were you ever previously married?</p> <p>16 A. No.</p> <p>17 Q. You're a high school graduate, I take it?</p> <p>18 A. Yes.</p> <p>19 Q. What year?</p> <p>20 A. 1991.</p> <p>21 Q. Okay. What high school?</p> <p>22 A. Flint Northern.</p> <p>23 Q. Were you involved in any extracurricular activities at</p> <p>24 Flint Northern?</p> <p>25 A. Yes.</p>



DESHEILA HOWLETT  
December 27, 2017

Page 29	Page 31
<p>1 Q. Okay. What -- like what?</p> <p>2 <b>A. Basketball, soccer.</b></p> <p>3 Q. Anything else?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Did you win any awards at Flint Northern?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. What awards did you win?</p> <p>8 <b>A. Most dedicated, most improved.</b></p> <p>9 Q. And these are for the athletics?</p> <p>10 <b>A. Yes. And I believe an MVP award, also.</b></p> <p>11 Q. Okay. Did you also win an award for most fashionable</p> <p>12 while you were there?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Did you run for that award?</p> <p>15 <b>A. You don't run, but you do get nominated for that.</b></p> <p>16 Q. Were you nominated for that?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. Were you disappointed that you didn't win?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You make it a point to appear fashionably attired, you</p> <p>21 take pride in how you look?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay. After Flint Northern, did you go to college?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Where did you attend college?</p>	<p>1 Q. So I'd like to look at your employment history.</p> <p>2 MR. ACHO: I'm going to mark this as</p> <p>3 Exhibit 1.</p> <p>4 MARKED FOR IDENTIFICATION:</p> <p>5 DEPOSITION EXHIBIT 1</p> <p>6 10:36 a.m.</p> <p>7 BY MR. ACHO:</p> <p>8 Q. This is -- it's a large packet. We can ignore most of</p> <p>9 it.</p> <p>10 MR. ACHO: I have one for you unless you</p> <p>11 already have one.</p> <p>12 MR. MUNGO: Thank you.</p> <p>13 BY MR. ACHO:</p> <p>14 Q. We can ignore most of it. I've tabbed certain areas</p> <p>15 that I'll refer to, but I wanted to give it to you in</p> <p>16 total.</p> <p>17 So you graduated the Flint Police Academy</p> <p>18 in '97. Were you offered a job upon graduating from</p> <p>19 the police academy?</p> <p>20 <b>A. I didn't graduate from the Flint Police Academy.</b></p> <p>21 Q. Okay. What happened at Flint that you didn't</p> <p>22 graduate?</p> <p>23 <b>A. I transferred to Detroit.</b></p> <p>24 Q. Okay. What prompted you to transfer?</p> <p>25 <b>A. Because Detroit was my first choice.</b></p>
Page 30	Page 32
<p>1 <b>A. Eastern Michigan.</b></p> <p>2 Q. Did you graduate from EMU?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. And what was your degree in?</p> <p>5 <b>A. Criminal justice.</b></p> <p>6 Q. What year?</p> <p>7 <b>A. '97, I graduated.</b></p> <p>8 Q. Okay. Did you attend any grad school after that?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Did you go right to the police academy after</p> <p>11 graduating from EMU or did you work first?</p> <p>12 <b>A. I believe I had a job and then started school -- the</b></p> <p>13 <b>Flint Academy after that.</b></p> <p>14 Q. Okay. Where were you working?</p> <p>15 <b>A. It was a community-based program for teaching</b></p> <p>16 <b>elementary students how to play soccer --</b></p> <p>17 Q. Okay.</p> <p>18 <b>A. -- in the city of Flint.</b></p> <p>19 Q. Okay. All right. And then you went to the police</p> <p>20 academy?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. And what year was that?</p> <p>23 <b>A. Also '97.</b></p> <p>24 Q. '97. And that's the Flint Police Academy?</p> <p>25 <b>A. Yes.</b></p>	<p>1 Q. The academy was or to work for the City?</p> <p>2 <b>A. To work for the City.</b></p> <p>3 Q. Okay. There's a high placement with the City of</p> <p>4 Detroit Police Department for graduates from DPA;</p> <p>5 right?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Okay. Did you graduate from the Detroit Police</p> <p>8 Academy in '97?</p> <p>9 <b>A. It would have been '98.</b></p> <p>10 Q. Okay. Upon graduating Detroit Police Academy, were</p> <p>11 you offered a job anywhere?</p> <p>12 <b>A. Detroit.</b></p> <p>13 Q. Okay. So you became employed with the City of Detroit</p> <p>14 Police Department in -- my records reflect 1997. Do</p> <p>15 you know if that's accurate?</p> <p>16 <b>A. Well, they start paying us to go to the academy.</b></p> <p>17 Q. Okay. So my records reflect November 1997 is when you</p> <p>18 started on Detroit's payroll. Would that be accurate?</p> <p>19 <b>A. I believe.</b></p> <p>20 Q. And for how long did you work for the City of Detroit</p> <p>21 Police Department?</p> <p>22 <b>A. Six-and-a-half years.</b></p> <p>23 Q. Okay. And what was your rank when you left?</p> <p>24 <b>A. Technically, I was a police officer.</b></p> <p>25 Q. Okay. Did you receive any promotions in your</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 33</p> <p>1 six-and-a-half years?</p> <p>2 <b>A. I transferred departments.</b></p> <p>3 Q. Okay. From where to where?</p> <p>4 <b>A. I started off in the 6th Precinct and then I went to</b></p> <p>5 <b>vice, which is undercover. Then I went to general</b></p> <p>6 <b>licensing, and then I transferred to the child abuse</b></p> <p>7 <b>unit.</b></p> <p>8 Q. Did you have any issues during your employment with</p> <p>9 the City of Detroit?</p> <p>10 <b>A. No.</b></p> <p>11 Q. None at all?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Have you ever told anyone that you left the City of</p> <p>14 Detroit Police Department because you had issues</p> <p>15 there?</p> <p>16 <b>A. No.</b></p> <p>17 Q. You didn't tell Oak Park that?</p> <p>18 <b>A. No. I told them that I was looking for a more secure</b></p> <p>19 <b>pay and a better pension.</b></p> <p>20 Q. Okay. What was insecure about the pay that you were</p> <p>21 receiving in Detroit?</p> <p>22 <b>A. It was very lackluster for a person with a degree, I</b></p> <p>23 <b>thought.</b></p> <p>24 Q. Do you know what your salary was at the City of</p> <p>25 Detroit?</p>	<p style="text-align: right;">Page 35</p> <p>1 of 2002; is that correct?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. It was -- their offer of employment was conditioned on</p> <p>4 you successfully completing the FTO program; correct?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Did you successfully complete the FTO program?</p> <p>7 <b>A. The FTO program, yes.</b></p> <p>8 Q. You did?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Okay. So I handed you what was marked Exhibit 1, a</p> <p>11 packet. I have tabbed with paperclips a couple of</p> <p>12 areas that I wanted to highlight. The first area</p> <p>13 that's paperclipped -- is yours paperclipped?</p> <p>14 <b>A. No, sir.</b></p> <p>15 Q. I thought they all were.</p> <p>16 MR. ACHO: Yours are not?</p> <p>17 MR. MUNGO: No, sir.</p> <p>18 MR. ACHO: All right. Well, then I'm just</p> <p>19 going to --</p> <p>20 MR. MUNGO: Oh, yes, yes, they are.</p> <p>21 MR. ACHO: They should be.</p> <p>22 MR. MUNGO: They are at the bottom.</p> <p>23 THE WITNESS: Oh, at the bottom.</p> <p>24 MR. MUNGO: You must have done these</p> <p>25 yourself. Been there before.</p>
<p style="text-align: right;">Page 34</p> <p>1 <b>A. In the Academy, we were at, like, \$12, and then I</b></p> <p>2 <b>think after five years you max out at 47,5-</b></p> <p>3 Q. Okay. Did you ever tell anyone that you couldn't</p> <p>4 handle working in the child abuse unit, that</p> <p>5 emotionally -- you were too emotionally overwrought?</p> <p>6 <b>A. Not that I couldn't handle it, but it was very</b></p> <p>7 <b>disturbing.</b></p> <p>8 Q. Is it true that it caused you some anxiety and</p> <p>9 depression?</p> <p>10 <b>A. No.</b></p> <p>11 Q. You didn't seek any treatment for that at that time?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Did you talk to a counselor from the City of</p> <p>14 Detroit --</p> <p>15 <b>A. No.</b></p> <p>16 Q. -- for anxiety and depression that you were suffering</p> <p>17 as a result of working in the child abuse unit?</p> <p>18 <b>A. No.</b></p> <p>19 Q. So you left Detroit after six-and-a-half years,</p> <p>20 roughly late 2002; is that correct?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Okay. And where did you go after you left Detroit?</p> <p>23 <b>A. The City of Oak Park.</b></p> <p>24 Q. Okay. And you were offered conditional employment</p> <p>25 with the Oak Park Public Safety Department in December</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MR. ACHO:</p> <p>2 Q. So this first area where I tabbed is an exam, Current</p> <p>3 Candidate Exam, name, Desheila Howlett, first</p> <p>4 responder. Written exam date was 10-20-2003, and it</p> <p>5 said that you failed this exam; is that correct?</p> <p>6 <b>A. Yes, sir.</b></p> <p>7 Q. Okay. Did you file a workers' compensation case</p> <p>8 against the City of Oak Park?</p> <p>9 <b>A. Workers' compensation? It would be -- what do you</b></p> <p>10 <b>apply for after you are terminated? Unemployment is</b></p> <p>11 <b>what I filed for.</b></p> <p>12 Q. Never workers' comp?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Did the City of Oak Park contest your unemployment?</p> <p>15 <b>A. No.</b></p> <p>16 Q. The medical first responders test that I just showed</p> <p>17 you, did you ever end up passing that test?</p> <p>18 <b>A. They said that they lost our scores and then we had to</b></p> <p>19 <b>retake it.</b></p> <p>20 Q. And you failed that again, didn't you?</p> <p>21 <b>A. I believe so.</b></p> <p>22 Q. So you never passed it; correct?</p> <p>23 <b>A. Well, they lost our original scores, so they didn't</b></p> <p>24 <b>know if we had passed or not.</b></p> <p>25 Q. So the only record that the City of Oak Park has, the</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 37</p> <p>1 one I showed you, is that you failed.</p> <p>2 <b>A. Right.</b></p> <p>3 Q. Okay. The second tab I have is a memo, and this</p> <p>4 appears to be disciplinary action against you by the</p> <p>5 Oak Park Police Department. Do you recognize this</p> <p>6 document?</p> <p>7 <b>A. Yes, I do.</b></p> <p>8 Q. Okay. And, in fact, you did receive discipline on</p> <p>9 December 5th, 2003; is that correct?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. And that was for failure to properly report private</p> <p>12 property?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Motor -- motor vehicle accident?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Okay. The final paragraph -- we won't go through the</p> <p>17 entire thing. The final paragraph says,</p> <p>18 "Officer Howlett stated that she then placed the</p> <p>19 damage on her log sheet and was going to report it to</p> <p>20 this officer or Sergeant Bernard. Officer Howlett</p> <p>21 stated that she did not report the incident</p> <p>22 immediately because she was scared, especially after</p> <p>23 hearing at role call that Officer Knapp had been</p> <p>24 terminated. Officer Howlett stated that she and</p> <p>25 Sergeant Bernard were scheduled for an exam at 45B</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. And you were given failing marks for</p> <p>2 interpersonal communication; is that right?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What did you understand that to mean?</p> <p>5 <b>A. That I wasn't communicating very well.</b></p> <p>6 Q. Okay. And why did you not communicate well?</p> <p>7 <b>A. I was advised that when you're on probation, that you</b></p> <p>8 <b>should be quiet, and I was advised that just because</b></p> <p>9 <b>you come from another department and had experience,</b></p> <p>10 <b>you have to, basically, humble yourself and allow them</b></p> <p>11 <b>to reteach you their way because every department does</b></p> <p>12 <b>things differently, so I was doing as I was told.</b></p> <p>13 Q. Okay. But even when Lieutenant Pousak spoke to you,</p> <p>14 you refused to even look him in the eye; isn't that</p> <p>15 true?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. So how do you explain that? Was it just belligerence</p> <p>18 on your part or you didn't like Lieutenant Pousak?</p> <p>19 What -- what was it that made you do that?</p> <p>20 <b>A. He didn't like me, I felt, and, so, I didn't know how</b></p> <p>21 <b>to be on probation and also stand up for myself.</b></p> <p>22 Q. You've seen some of the FTO comments that were made</p> <p>23 and evaluations that were made of you in Oak Park;</p> <p>24 correct?</p> <p>25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 38</p> <p>1 District Court on 12-4-03 at 9:00 and she was going to</p> <p>2 mention it then, but Sergeant Bernard was" in -- "was</p> <p>3 not there.</p> <p>4 Officer Howlett stated that she came in</p> <p>5 early to speak with this officer and Sergeant Bernard,</p> <p>6 but Sergeant Bernard was scheduled off and this</p> <p>7 officer was not available. This officer's</p> <p>8 recommendation regarding the above private property</p> <p>9 MVC is that Officer Howlett receives discipline.</p> <p>10 Respectfully submitted, Lieutenant Cooper."</p> <p>11 Do you see that?</p> <p>12 <b>A. Yes, sir.</b></p> <p>13 Q. Would you agree that you failed to be honest with the</p> <p>14 City of Oak Park Police Department regarding this</p> <p>15 incident?</p> <p>16 <b>A. I didn't give full disclosure.</b></p> <p>17 Q. Right. Because you said you were scared; is that</p> <p>18 right?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Okay. The next tab I have is from October 2, 2003.</p> <p>21 It would be where the next paperclip is. This is a</p> <p>22 memo to Major Smith from Lieutenant Pousak, October 2,</p> <p>23 2003. This is Officer Howlett's performance review.</p> <p>24 Have you seen this before?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 40</p> <p>1 Q. You had deficiencies that were noted in safe work</p> <p>2 practices; is that right?</p> <p>3 <b>A. Maybe one.</b></p> <p>4 Q. Okay. You refused to sign the evaluation; correct?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Why did you refuse to sign it?</p> <p>7 <b>A. Because I was being attacked personally.</b></p> <p>8 Q. By whom?</p> <p>9 <b>A. Pousak.</b></p> <p>10 Q. And why do you think Lieutenant Pousak was attacking</p> <p>11 you personally?</p> <p>12 <b>A. Because there was so many things that didn't even</b></p> <p>13 <b>pertain to my job as a police officer, like going to</b></p> <p>14 <b>make lunch runs or staying on patrol too long, and</b></p> <p>15 <b>that shouldn't be a negative, it should be a positive.</b></p> <p>16 Q. Why do you believe Lieutenant Pousak would have</p> <p>17 singled you out or had some axe to grind against you?</p> <p>18 <b>A. I have no idea.</b></p> <p>19 Q. Ms. Howlett, do you have a bit of a complex -- a</p> <p>20 martyr complex where you believe that everybody is</p> <p>21 after you wherever you go?</p> <p>22 <b>A. Absolutely not.</b></p> <p>23 Q. But hasn't that happened at every department you've</p> <p>24 been at?</p> <p>25 <b>A. No.</b></p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 41</p> <p>1 Q. Didn't you tell Oak Park Police Department, I left 2 Detroit because of how I was treated? 3 <b>A. No.</b> 4 Q. And Oak Park, you are saying the lieutenant had it out 5 for you, and Warren, you're saying people had it out 6 for you. Do you think maybe that's something more 7 psychological than fact? 8 <b>A. No.</b> 9 Q. Okay. You ultimately did not pass probation in the 10 City of Oak Park Police Department; correct? 11 <b>A. Correct.</b> 12 Q. You never became a full-fledged police officer in 13 Oak Park; correct? 14 <b>A. Correct.</b> 15 Q. So let's fast-forward to your employment with the City 16 of Warren P.D., which is the reason we're here. When 17 did you first become employed with the City of Warren 18 Police Department? 19 <b>A. It would have been August of 2006.</b> 20 Q. How did you become aware of a job opening at the City 21 of Warren P.D.? 22 <b>A. I used to read articles in the paper and also look on</b> 23 <b>the Internet for job postings for a police department.</b> 24 Q. Okay. So once you read about an opening, did you 25 submit an application?</p>	<p style="text-align: right;">Page 43</p> <p>1 <b>A. Yes.</b> 2 Q. Who did you meet with after Lieutenant Randall, if you 3 know? 4 <b>A. My background was done by Lieutenant Gallasso.</b> 5 Q. Okay. And Lieutenant Gallasso felt that you were a 6 qualified enough candidate to work for the City of 7 Warren; is that right? 8 <b>A. Yes.</b> 9 Q. And Lieutenant Gallasso is white; correct? 10 <b>A. Yes.</b> 11 Q. Okay. And then after Lieutenant Gallasso, who did you 12 meet with? 13 <b>A. I had to go to school up in Kirkland to get my</b> 14 <b>recertification.</b> 15 Q. Right. And why did you have to get recertified? 16 <b>A. Because after you haven't been a police officer for a</b> 17 <b>certain amount of years, you lose your certification.</b> 18 <b>You have to get recertified.</b> 19 Q. Okay. So that brings me to another question. You 20 left Oak Park in '03; is that right? 21 <b>A. Yes.</b> 22 Q. But you didn't start with the City of Warren until 23 later in 2006; correct? 24 <b>A. Yes.</b> 25 Q. So what did you do with that three-and-a-half-year</p>
<p style="text-align: right;">Page 42</p> <p>1 <b>A. Yes.</b> 2 Q. And you were called in for an interview; is that 3 right? 4 <b>A. Yes.</b> 5 Q. And who called you for an interview? 6 <b>A. I think it was Randall. He passed away.</b> 7 Q. Would Randall be a last name or first time? 8 <b>A. Last name.</b> 9 Q. Would he be a lieutenant, or... 10 <b>A. I think it was Thomas Randall.</b> 11 Q. Okay. Was he a commanding officer, as you understand 12 it? 13 <b>A. Yes.</b> 14 Q. Okay. And was Lieutenant Randall white? 15 <b>A. Yes.</b> 16 Q. Okay. And he indicated that the interview went well; 17 is that right? 18 <b>A. Yes.</b> 19 Q. And he sent you for a second interview. Is that 20 accurate? 21 <b>A. There were quite a few different steps --</b> 22 Q. Right -- 23 <b>A. -- I had to go through, yes.</b> 24 Q. -- there were. But at each step, you met with 25 different individuals; correct?</p>	<p style="text-align: right;">Page 44</p> <p>1 gap? What did you do with your time? 2 <b>A. Worked multiple jobs.</b> 3 Q. What jobs did you work? 4 <b>A. General Motors would have been one, Detroit Medical</b> 5 <b>Center, and then I worked security for -- I'm trying</b> 6 <b>to think of this Federal Court building down here -- I</b> 7 <b>think it was called Knight Security -- and also Armor</b> 8 <b>Guard Truck, trucking company.</b> 9 Q. Okay. Did you work the jobs simultaneously or did you 10 work one, leave; work one, leave; work one, leave; 11 work one, leave? 12 <b>A. Some of them overlapped, yes.</b> 13 Q. Okay. Where did you work for General Motors? 14 <b>A. The plant on Van Dyke in Flint, Michigan.</b> 15 Q. What did you do there? 16 <b>A. Assembly.</b> 17 Q. Do you recall from when to when you worked there? 18 <b>A. No, sir.</b> 19 Q. Okay. Do you recall approximately how long you worked 20 there? 21 <b>A. Four months.</b> 22 Q. Four months. Why did you leave? 23 <b>A. Because I was also working at DMC, and in order to</b> 24 <b>drive the hour between cities and work an eight-hour</b> 25 <b>shift and then a ten-hour shift, it was just a bit</b></p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 45</p> <p>1 much.</p> <p>2 Q. Okay. And what did you do for DMC?</p> <p>3 A. Security.</p> <p>4 Q. How long did you work for them?</p> <p>5 A. Two years, I believe.</p> <p>6 Q. Were you at any one particular location?</p> <p>7 A. It would have been Harper Hospital.</p> <p>8 Q. And why did you leave DMC?</p> <p>9 A. Let me see. DMC, for the job at Warren.</p> <p>10 Q. Okay. How long did you work for Knight Security at</p> <p>11 Federal Court?</p> <p>12 A. That also would have been, like, a six- to eight-month</p> <p>13 period, if I recall.</p> <p>14 Q. Why did you leave there?</p> <p>15 A. I was working that job simultaneously with the other</p> <p>16 security job, and, so, again, it just became too many</p> <p>17 hours. I was at, like, 90 hours a week.</p> <p>18 Q. Who was your supervisor at Knight Security?</p> <p>19 A. I don't remember.</p> <p>20 Q. Knight is K-n-i-g-h-t?</p> <p>21 A. Yeah.</p> <p>22 Q. Are they based out of Detroit?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know who owns them?</p> <p>25 A. No, but they were working -- it's the McNamara</p>	<p style="text-align: right;">Page 47</p> <p>1 A. I don't know what -- what year.</p> <p>2 Q. Were you offered a position as a deputy?</p> <p>3 A. Yes.</p> <p>4 Q. And why didn't you take it?</p> <p>5 A. Because the pay wasn't much different from Detroit.</p> <p>6 Q. Do you remember who you interviewed with at the Wayne</p> <p>7 County Sheriff's Department?</p> <p>8 A. No.</p> <p>9 Q. And you don't know exactly when you were offered that</p> <p>10 job?</p> <p>11 A. No.</p> <p>12 Q. Was it just before you applied to Warren?</p> <p>13 A. I applied for a lot of different departments all at</p> <p>14 the same time, and so that department, along with</p> <p>15 Madison Heights, would have all been within the time I</p> <p>16 was working all those part-time jobs.</p> <p>17 Q. Okay. So, Madison Heights, were you offered a job</p> <p>18 there?</p> <p>19 A. Yes.</p> <p>20 Q. And do you happen to know approximately when?</p> <p>21 A. No.</p> <p>22 Q. Okay. Offered a job as a police officer?</p> <p>23 A. Yes.</p> <p>24 Q. And why did you not take it?</p> <p>25 A. About \$3,000 difference between Detroit and their</p>
<p style="text-align: right;">Page 46</p> <p>1 Building, is the name of the building.</p> <p>2 Q. Right.</p> <p>3 A. Yeah.</p> <p>4 Q. Do you remember who your supervisor was at DMC?</p> <p>5 A. DMC, no.</p> <p>6 Q. The armored car company, what company was that?</p> <p>7 A. Guardian.</p> <p>8 Q. Guardian. And Guardian is based out of where?</p> <p>9 A. Hamtramck.</p> <p>10 Q. Who was your supervisor with Guardian?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you know how long you worked there?</p> <p>13 A. About a year.</p> <p>14 Q. During that three-and-a-half-year time frame that</p> <p>15 we're talking about when you worked those jobs, were</p> <p>16 you applying to other municipal police departments?</p> <p>17 A. Yes.</p> <p>18 Q. Can you give me some of the police departments that</p> <p>19 you recall applying to?</p> <p>20 A. The sheriff's department for Detroit.</p> <p>21 Q. Wayne County?</p> <p>22 A. Yes.</p> <p>23 Q. Did you get an interview with Wayne County Sheriff?</p> <p>24 A. I was offered the position.</p> <p>25 Q. And when were you offered the position?</p>	<p style="text-align: right;">Page 48</p> <p>1 department, also.</p> <p>2 Q. So money was more the deciding factor than anything</p> <p>3 else in your desire to act as a police officer in a</p> <p>4 city, is that fair to say? That money was the</p> <p>5 motivating factor?</p> <p>6 A. Benefits and pension, yes.</p> <p>7 Q. Are the pensions better or the same with Wayne County</p> <p>8 Sheriff's Department and Madison Heights as compared</p> <p>9 to Detroit?</p> <p>10 A. Almost equivalent.</p> <p>11 Q. Do you know, off the top of your head, what the</p> <p>12 pension scale is in Detroit?</p> <p>13 A. No.</p> <p>14 Q. Is it similar to Warren?</p> <p>15 A. Less.</p> <p>16 Q. Did you apply to any other police departments during</p> <p>17 that time frame, that three-and-a-half-year time</p> <p>18 frame?</p> <p>19 A. It would have been Bloomfield.</p> <p>20 Q. Bloomfield Township or West Bloomfield?</p> <p>21 A. I believe the Township.</p> <p>22 Q. Okay. Did Bloomfield Township offer you a job?</p> <p>23 A. No.</p> <p>24 Q. Any other --</p> <p>25 A. I think I applied out in -- not Wixom, but it would</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 49</p> <p>1 have been -- it will come to me in a second. There's 2 one other place that I applied. I can't think of it. 3 Q. Okay. If you happen to think of it along the way, 4 just let me know. 5 So we'll again fast-forward to your 6 employment with Warren. Did either Lieutenant Randall 7 or Lieutenant Gallasso ask you why there was a 8 three-and-a-half-year gap between your having acted as 9 a police officer? 10 A. Yes. 11 Q. And you were able to explain it sufficiently enough 12 that they passed you along in the interview process? 13 A. Yes. 14 Q. After Lieutenant Gallasso, who did you meet with? 15 A. After I came back from that certification school, they 16 put us in a -- like a one-week tutorial kind of thing 17 to get acclimated with Warren's process, and then we 18 started our FTO program. 19 Q. Did you meet with the current or then police chief or 20 police commissioner? 21 A. I don't recall. 22 Q. You were offered a job as a police officer at some 23 point; correct? 24 A. Yes. 25 Q. And did you meet with either the commissioner or</p>	<p style="text-align: right;">Page 51</p> <p>1 College." 2 And you indicated you did complete that 3 recertification at Kirkland; correct? 4 A. Yes. 5 Q. Okay. The second page is a personnel order, City of 6 Warren Police Department. It says, "Subject: 7 Promotions." It's dated August 10th, 2006 -- strike 8 that. 9 Dated August 23rd. It says, "The following 10 promotion is effective as indicated and provisional 11 dependent upon satisfactory performance of below-named 12 personnel during the probation period and Police 13 Officer Candidate Desheila Howlett promoted to police 14 officer." And it's signed by Police Commissioner 15 James Vohs. Do you see that? 16 A. Yes. 17 Q. Did you meet with Police Commissioner Vohs? 18 A. I don't recall. 19 Q. But you at least recall receiving this letter? 20 A. Yes, sir. 21 Q. Okay. Commissioner Vohs was white; is that right? 22 A. Yes. 23 Q. How long was your probationary period? 24 A. One year. 25 Q. And you were in the FTO program during the entirety of</p>
<p style="text-align: right;">Page 50</p> <p>1 deputy commissioner at that time when they extended 2 the offer of employment? 3 A. I don't recall. 4 Q. Do you recall what commanding officer said to you, 5 Desheila, we're happy to offer you this job as a 6 police officer? 7 A. No. 8 Q. You remember meeting with someone, though, other than 9 Randall and Gallasso? 10 A. Probably so, yes. 11 Q. I'm going to hand you what I'm going to mark as 12 Exhibit 2. This is your personnel file from the City 13 of Warren. 14 MR. ACHO: Here's one for you, Counsel. 15 MR. MUNGO: Thank you. 16 MARKED FOR IDENTIFICATION: 17 DEPOSITION EXHIBIT 2 18 11:00 a.m. 19 BY MR. ACHO: 20 Q. So you were extended -- if we look at the first page, 21 dated August 3, 2006, second paragraph indicates that 22 you will begin work as a police officer candidate for 23 the City of Warren on Thursday, August 10th. And it 24 goes on to say that, "provided you complete 25 recertification training at Kirkland Community</p>	<p style="text-align: right;">Page 52</p> <p>1 the probation; is that right? 2 A. No. 3 Q. For how long during the probationary period were you 4 in the FTO program? 5 A. It's generally four months. 6 Q. Okay. You were the only black police officer at the 7 City of Warren Police Department when you were 8 appointed; is that correct? 9 A. Yes, sir. 10 Q. You were proud of that fact; is that right? 11 A. Yes, sir. 12 Q. You indicated that to a number of people at the City 13 of Warren Police Department; correct? 14 A. Yes. 15 Q. And, in fact, these individuals at the City of Warren 16 told you they were proud to have you; right? 17 A. Yes. 18 Q. Yes? 19 A. Some, yes. 20 Q. Okay. Well, specifically, the people that hired you. 21 A. Yes. 22 Q. Okay. Let's look at the FTO program. The third page 23 says it's called the "limbo phase." Have you heard 24 that term before? 25 A. Yes.</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 53</p> <p>1 Q. What does Limbo mean, as you understand it?</p> <p>2 <b>A. You're kind of fluctuating.</b></p> <p>3 Q. Fluctuating in what -- in what regard? I don't --</p> <p>4 <b>A. You're a police candidate and you're not a police</b></p> <p>5 <b>officer yet, so you're being reviewed and graded.</b></p> <p>6 Q. Got it. You're continually being evaluated throughout</p> <p>7 the process.</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Okay. In August 2006, your first FTO training officer</p> <p>10 was Scott Taylor; is that right?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. You passed the FTO step under Scott Taylor; is that</p> <p>13 right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. That would have been approximately when,</p> <p>16 September 20th of 2006?</p> <p>17 <b>A. It's generally a month, yes --</b></p> <p>18 Q. Right.</p> <p>19 <b>A. -- like 30 days each.</b></p> <p>20 Q. Got it. Did you used to joke around with Scott</p> <p>21 Taylor?</p> <p>22 <b>A. We had a relaxed environment.</b></p> <p>23 Q. So he would joke, you would joke, sort of play off</p> <p>24 each other?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 55</p> <p>1 <b>A. Probably.</b></p> <p>2 Q. And you indicated earlier that you would joke with</p> <p>3 each other; right?</p> <p>4 <b>A. About certain things, yes.</b></p> <p>5 Q. So why, eight years later, is this in your lawsuit?</p> <p>6 <b>A. Because it's an accumulation of all the things.</b></p> <p>7 Q. Okay. The KKK piece is something your attorney wrote;</p> <p>8 is that right? That's not something Taylor said.</p> <p>9 <b>A. No, that's just how I understood it, what I understood</b></p> <p>10 <b>it to mean.</b></p> <p>11 Q. Well, correct me if I'm wrong, when I hear hood, I</p> <p>12 don't think clan, I think inner city. What do you</p> <p>13 think of when you hear hood?</p> <p>14 <b>A. In the context that he said it, KKK.</b></p> <p>15 Q. How did you know that?</p> <p>16 <b>A. If a white person is talking to a black person and</b></p> <p>17 <b>they're saying, yeah, you're getting complaints from</b></p> <p>18 <b>other black people, and by the time you get up to five</b></p> <p>19 <b>complaints, we'll -- we'll nominate you an official</b></p> <p>20 <b>hood award, then it's not hoodie or ghetto hood.</b></p> <p>21 Q. Okay. So did you say to him, hey, Scott, that comment</p> <p>22 bothers me?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Did you tell him that you were offended in any way?</p> <p>25 You didn't, did you?</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. I'm going to come back to this document, but I want to</p> <p>2 hand you what I'm marking as Exhibit 3. This is your</p> <p>3 First Amended Complaint.</p> <p>4 MARKED FOR IDENTIFICATION:</p> <p>5 DEPOSITION EXHIBIT 3</p> <p>6 11:03 a.m.</p> <p>7 BY MR. ACHO:</p> <p>8 Q. Now, one of your allegations -- and I'd like to look</p> <p>9 at -- most of them are under 13, I believe. Page 10,</p> <p>10 if we look at subsection (s), your allegation in your</p> <p>11 Complaint against Scott Taylor is, "Defendant Sergeant</p> <p>12 Scott Taylor, another one of plaintiff's field</p> <p>13 training officers, told plaintiff that she would be</p> <p>14 nominated for a 'hood' (KKK award) after plaintiff, a</p> <p>15 female African-American, received five citizen</p> <p>16 complaints from African-American citizens."</p> <p>17 Do you see that?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Can you tell me exactly what happened with this</p> <p>20 conversation? Because you indicated that you two used</p> <p>21 to joke with each other. So tell me your recollection</p> <p>22 of how this conversation went down.</p> <p>23 <b>A. That if five black citizens complained against me, I</b></p> <p>24 <b>would basically be nominated into the club.</b></p> <p>25 Q. Okay. Was he joking with you?</p>	<p style="text-align: right;">Page 56</p> <p>1 <b>A. No.</b></p> <p>2 Q. Why not?</p> <p>3 <b>A. Again, you're on probation at another department and</b></p> <p>4 <b>you just really don't complain or can't complain.</b></p> <p>5 Q. Is it your understanding that if there is something</p> <p>6 unlawful or that runs afoul of policy, that you are</p> <p>7 somehow precluded from complaining simply because</p> <p>8 you're on probation?</p> <p>9 <b>A. Policing, it's different from any other job, any other</b></p> <p>10 <b>atmosphere, and, so, if you make complaints or tell on</b></p> <p>11 <b>people, it just doesn't fare well.</b></p> <p>12 Q. Okay. So you would agree, you did not make any type</p> <p>13 of complaint about Scott Taylor's alleged comment to</p> <p>14 you to anyone; correct?</p> <p>15 <b>A. Right.</b></p> <p>16 Q. All right. You didn't go to human resources and</p> <p>17 complain?</p> <p>18 <b>A. No.</b></p> <p>19 Q. You knew, at the time, where HR was; correct?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Because you had previously been introduced to them</p> <p>22 when you were hired.</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. You didn't say anything to Scott Taylor's supervisor,</p> <p>25 did you?</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 57

- 1 **A. No.**  
2 Q. So after you completed your FTO training program,  
3 isn't it true that Scott Taylor came to your home and  
4 helped you change a tire?  
5 **A. Yes.**  
6 Q. And you asked him to come to your home; correct?  
7 **A. Yes.**  
8 Q. So if he was some racist individual, do you think he  
9 would have come to your home to change your tire?  
10 **A. I don't know.**  
11 Q. Isn't it true that he doesn't belong in this lawsuit?  
12 **A. If there's -- if I'm asked offensive things that were**  
13 **stated to me over a span of time, then that would have**  
14 **been included in one of the things.**  
15 Q. If you felt offended by somebody, or you felt, you  
16 know what, this person just might not like black  
17 people, why would you ask him to come to your home to  
18 help you with your car?  
19 **A. In my time of working there, there are people who have**  
20 **offended me, but I have to continuously move forward,**  
21 **as they say, let go and let God, so that's what I**  
22 **continuously did. I continued to just move forward**  
23 **with everyone.**  
24 Q. Including asking him to come to your home to help you?  
25 **A. Yes.**

Page 58

- 1 Q. Okay. Did you have any other contact with Scott  
2 Taylor after the FTO program was concluded?  
3 **A. Intermittently, yes.**  
4 Q. Okay. And that back and forth was always pleasant;  
5 correct?  
6 **A. Yes.**  
7 Q. You always had a good relationship with him?  
8 **A. Yes.**  
9 Q. Do you have any other allegations against Scott Taylor  
10 other than this one isolated comment?  
11 **A. No.**  
12 Q. He never retaliated against you in any way, did he? I  
13 mean, he passed you at least through his portion of  
14 the FTO program.  
15 **A. Yes.**  
16 Q. Do you know if Scott Taylor has harassed anyone else?  
17 **A. I wouldn't know.**  
18 Q. Okay. Do you know how long Scott Taylor has been an  
19 FTO trainer?  
20 **A. No.**  
21 Q. Do you know how many individuals he passed or did not  
22 pass?  
23 **A. No.**  
24 Q. Do you know that he has failed a number of people, but  
25 he passed you through? You don't know that?

Page 59

- 1 **A. No.**  
2 Q. But if I told you he did, you have no reason to -- or  
3 basis to dispute that.  
4 **A. Right.**  
5 Q. Who else was your FTO trainer for phase 1 of the  
6 program?  
7 **A. I ended up with seven or eight different FTO trainers,**  
8 **so I had Ross --**  
9 Q. Let's stop there. I'm not trying to cut you off, it's  
10 just -- we'll just go piecemeal. So William Ross  
11 would have been the next FTO trainer?  
12 **A. I don't know the specific order, but --**  
13 Q. Fair enough.  
14 **A. -- he's one of them, yes.**  
15 Q. Fair enough. I know you don't have instant recall.  
16 Let's assume William Ross, on September 21, 2006, took  
17 over as your FTO trainer. You would have no reason to  
18 dispute that.  
19 **A. True.**  
20 Q. Okay. And is Mr. Ross named in your Complaint?  
21 **A. Yes.**  
22 Q. Okay. I'm going to look at the Complaint. Your  
23 allegation against Officer Ross was that he said,  
24 you'll pass because you're black; is that right?  
25 **A. Yes.**

Page 60

- 1 Q. Okay. What prompted this -- I'd like to know exactly  
2 what he said and in what context this was said, where  
3 you were at and how this came about.  
4 **A. I recall one time we were, like, in the lobby of the**  
5 **police department --**  
6 Q. Okay.  
7 **A. -- and in passing he just let me know that, whether I**  
8 **was good or bad, it didn't matter, they were going to**  
9 **pass me through.**  
10 Q. Because he knew that the City of Warren wanted a black  
11 police officer.  
12 **A. Yes.**  
13 Q. Okay. And Ross is white?  
14 **A. Yes.**  
15 Q. Okay. And did you have a good relationship with him?  
16 **A. Yes.**  
17 Q. Casual comments back and forth, casual conversation?  
18 **A. Yes.**  
19 Q. Okay. You got the feeling that Ross felt he could be  
20 open with you, speak person to person?  
21 **A. Yes.**  
22 Q. Okay. It's fair to say, when white people and black  
23 people have a relationship where they communicate,  
24 that -- strike that. I'm going to come back to that.  
25 So when Ross makes this comment to you, was

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Pages 57 to 60



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 61</p> <p>1 it in response to you saying, I don't know if I'm</p> <p>2 going to pass the FTO program? You had some concerns</p> <p>3 about your performance?</p> <p>4 <b>A. Well, I had one instance with one FTO person, so out</b></p> <p>5 <b>of the eight, I only had one problem with one.</b></p> <p>6 Q. But you brought it up to Ross, which prompted him to</p> <p>7 say, don't worry about it, you're going to be all</p> <p>8 right, they want a black officer here; is that fair?</p> <p>9 A fair characterization?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. So Ross wasn't saying it in a mean or</p> <p>12 belittling way, was he?</p> <p>13 <b>A. Well, it is belittling if it doesn't matter how you</b></p> <p>14 <b>do.</b></p> <p>15 Q. Isn't it more a statement on progression, that the</p> <p>16 department wants an African-American officer there?</p> <p>17 <b>A. Even if they're not worthy of it?</b></p> <p>18 Q. Isn't that how Ross meant it? Isn't that how you took</p> <p>19 it when he said it?</p> <p>20 <b>A. I took it that it didn't matter if I was complete</b></p> <p>21 <b>garbage or great, that I was going to pass either way.</b></p> <p>22 Q. I get that. I'm saying, when you took what Ross --</p> <p>23 his inflection, his tone, his comment to you, speaking</p> <p>24 to you as somebody he had this type of communication</p> <p>25 with, you didn't take it as him trying to belittle you</p>	<p style="text-align: right;">Page 63</p> <p>1 <b>A. No.</b></p> <p>2 Q. You didn't make a complaint to anyone at the time;</p> <p>3 correct?</p> <p>4 <b>A. No.</b></p> <p>5 Q. And you didn't go to HR?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Do you have other allegations against Officer Ross?</p> <p>8 <b>A. Just that he let me know that after my first, second,</b></p> <p>9 <b>third, fourth and fifth year, they all thought that I</b></p> <p>10 <b>was going to sue.</b></p> <p>11 Q. They thought you were going to sue.</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And, in fact, he was right. You did sue; right?</p> <p>14 <b>A. Uh-huh.</b></p> <p>15 Q. Yes?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. So that's not a complaint, that's him being accurate;</p> <p>18 right?</p> <p>19 <b>A. Six years later, yes.</b></p> <p>20 Q. So he was off by a year.</p> <p>21 MR. MUNGO: He's not a very good prophet.</p> <p>22 BY MR. ACHO:</p> <p>23 Q. By the way, Ross passed you at phase 1, step 1;</p> <p>24 correct?</p> <p>25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 62</p> <p>1 or demean you; right?</p> <p>2 MR. MUNGO: Objection, Counsel, that has</p> <p>3 been asked and answered.</p> <p>4 MR. ACHO: I'm sorry, I don't remember.</p> <p>5 BY MR. ACHO:</p> <p>6 Q. So if you can just tell me again. You didn't take it</p> <p>7 as though he was trying to belittle you; right?</p> <p>8 <b>A. Belittle me? I just didn't think it was fair.</b></p> <p>9 Q. I understand that. And it might be and it might not</p> <p>10 be. I'm just talking about Ross's comment to you.</p> <p>11 You didn't take it as he was coming at you from a bad</p> <p>12 place or being mean to you or trying to demean you,</p> <p>13 did he?</p> <p>14 <b>A. No.</b></p> <p>15 MR. MUNGO: Objection. Objection, asked</p> <p>16 and answered.</p> <p>17 BY MR. ACHO:</p> <p>18 Q. All right. Did you say to him, hey, Ross, I don't</p> <p>19 like that kind of talk, I don't like that comment?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Did anyone witness this conversation?</p> <p>22 <b>A. I don't recall.</b></p> <p>23 Q. Did you go to Ross's supervisor and say, hey, you</p> <p>24 know, Ross made an offhand comment that I don't care</p> <p>25 for?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Do you know if Ross has failed other candidates?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Are you aware that he had failed a number of other</p> <p>4 candidates in the FTO program, at least his portion,</p> <p>5 but he passed you?</p> <p>6 <b>A. You don't -- you're not privy to other people's</b></p> <p>7 <b>scores, so you don't know.</b></p> <p>8 Q. Fair enough. So if I told you he had, in fact, failed</p> <p>9 other individuals but passed you, you would have no</p> <p>10 reason to dispute that?</p> <p>11 <b>A. True.</b></p> <p>12 Q. All right. Did you have any other contact with</p> <p>13 Officer Ross after the FTO training program?</p> <p>14 <b>A. We worked the same shift. I was on day shift for --</b></p> <p>15 <b>with him for a while.</b></p> <p>16 Q. And you had a good relationship with him, didn't you?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. No reason to complain about him; right?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Treated you like any other fellow officer; right?</p> <p>21 <b>A. Yes.</b></p> <p>22 MR. ACHO: Can we take a very short break?</p> <p>23 Maybe you could use a short break?</p> <p>24 MR. MUNGO: What paragraph were you</p> <p>25 speaking from, the First Amended Complaint, Counsel,</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 65	Page 67
<p>1 regarding Ross?</p> <p>2 MR. ACHO: I -- I don't know offhand,</p> <p>3 but --</p> <p>4 MS. RAE-O'DONNELL: Paragraph 13.</p> <p>5 MR. MUNGO: 13?</p> <p>6 MR. ACHO: Yeah, 13 is where the bulk of</p> <p>7 the claims are.</p> <p>8 MR. MUNGO: It was at 13 what? I should be</p> <p>9 able to find it.</p> <p>10 MS. RAE-O'DONNELL: (C).</p> <p>11 MR. ACHO: (C), yep.</p> <p>12 VIDEO TECHNICIAN: Off the record, 11:17.</p> <p>13 (Off the record at 11:17 a.m.)</p> <p>14 (Back on the record at 11:40 a.m.)</p> <p>15 VIDEO TECHNICIAN: Back on the record,</p> <p>16 11:40.</p> <p>17 BY MR. ACHO:</p> <p>18 Q. When we left off, I had asked you about William Ross</p> <p>19 and we discussed the comment and I asked you if you</p> <p>20 had complained to HR or anyone about Ross, and you</p> <p>21 indicated you had not; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. You did sign acknowledging that you</p> <p>24 received training on departmental rules prohibiting</p> <p>25 discrimination and sexual harassment in the rules of</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. Exhibit 5 is another general order from the</p> <p>3 City of Warren Police Department, and this is dated</p> <p>4 February 28, 2014, and it is titled Rules of Conduct.</p> <p>5 You received and reviewed this policy, as well;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. These are the conduct standards and the code of ethics</p> <p>9 for the City of Warren Police Department; correct?</p> <p>10 A. Yes.</p> <p>11 Q. On page 5, it discusses conduct toward fellow</p> <p>12 employees, and it discusses, under subsection 4,</p> <p>13 accountability, responsibility and discipline. And it</p> <p>14 states, under section 4, "that any complaints against</p> <p>15 any member of the department are to be reported to a</p> <p>16 supervisor"; correct?</p> <p>17 A. Yes.</p> <p>18 Q. All right. You signed for this order, as well; is</p> <p>19 that right?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And if we look, going back to Exhibit 2,</p> <p>22 which is your personnel file on page 4, there is a</p> <p>23 page where you signed and initialed for the receipt</p> <p>24 and review and training on numerous departmental</p> <p>25 policies. Do you see that?</p>
Page 66	Page 68
<p>1 conduct and procedure; correct?</p> <p>2 A. Yes.</p> <p>3 MR. ACHO: Okay. I'm going to mark two</p> <p>4 orders as Exhibits 4 and 5.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 4-5</p> <p>7 11:40 a.m.</p> <p>8 MR. MUNGO: Was the Complaint 3, Counsel?</p> <p>9 MR. ACHO: Good question. Yes.</p> <p>10 BY MR. ACHO:</p> <p>11 Q. Exhibit 4 is an Order dated January 10, 2003. It's a</p> <p>12 City of Warren Police Department Order on</p> <p>13 Discrimination and Sexual Harassment and the</p> <p>14 Prohibition of same, do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And you received this as part of your training;</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. You were advised that the City of Warren does not</p> <p>20 tolerate or condone harassment of any sort or</p> <p>21 discriminatory behavior of any sort; correct?</p> <p>22 A. Yes.</p> <p>23 Q. You were advised that, as an employee, you had a</p> <p>24 responsibility to report these matters to management's</p> <p>25 attention; correct?</p>	<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 MR. MUNGO: I'm sorry, Counsel, what page</p> <p>4 was that?</p> <p>5 MR. ACHO: That was page 4 of the personnel</p> <p>6 file.</p> <p>7 MR. MUNGO: Of the personnel file. You</p> <p>8 haven't marked that as an exhibit?</p> <p>9 MR. ACHO: I did.</p> <p>10 MR. MUNGO: Which one?</p> <p>11 MR. ACHO: Exhibit 2.</p> <p>12 MR. MUNGO: Exhibit 2. And that was</p> <p>13 page 5, you said?</p> <p>14 MR. ACHO: Page 4.</p> <p>15 MR. MUNGO: Did you see that?</p> <p>16 THE WITNESS: Uh-huh.</p> <p>17 BY MR. ACHO:</p> <p>18 Q. All right. So you were passed on from step 1 of the</p> <p>19 FTO program to step 2; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you passed step 2 of the FTO program with no</p> <p>22 issue; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. You're not making any allegations of discrimination at</p> <p>25 the step 2 level of the FTO, are you?</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 69</p> <p>1 <b>A. No.</b></p> <p>2 Q. All right. Who were your step 2 FTO trainers, do you</p> <p>3 remember?</p> <p>4 <b>A. It would have been Springer.</b></p> <p>5 Q. And would Bonnet have been another?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Okay. And Bonnet and Springer are both white;</p> <p>8 correct?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. They indicated in their report that you had solid or</p> <p>11 good knowledge of the policies and procedures 3.02 and</p> <p>12 3.01, the orders we just looked at. They indicated</p> <p>13 that you had good knowledge of the policies; correct?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And you asked questions for clarification when you</p> <p>16 didn't understand; correct?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. So you were then passed on to phase 3; is that right?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. All right. Now, your step 3 FTO trainer was Anwar</p> <p>21 Khan; correct?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And that was roughly 11 years ago; is that right?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Fair to say it was November of 2006?</p>	<p style="text-align: right;">Page 71</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And he's a darker-skinned individual; is that right?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. His complexion would be more along the lines of some</p> <p>5 African-Americans as opposed to Arabs, would you say?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Other than the one comment that you allege he said</p> <p>8 that women shouldn't work, do you have any other</p> <p>9 complaints against Khan?</p> <p>10 <b>A. He said that America was better off prior to 1940,</b></p> <p>11 <b>1941, when all the men went off to war and then the</b></p> <p>12 <b>women started working jobs, and, basically, our</b></p> <p>13 <b>society declined due to the women entering the</b></p> <p>14 <b>workforce, so now there's nobody to tend to the</b></p> <p>15 <b>children.</b></p> <p>16 Q. Where were you when he said that? Were you in a</p> <p>17 vehicle with him?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Okay. Describe the rapport that you had with</p> <p>20 Officer Khan.</p> <p>21 <b>A. He wouldn't talk, and if he did talk, he would kind of</b></p> <p>22 <b>yell. We went to an Arabic restaurant and I wasn't</b></p> <p>23 <b>familiar with the menu, and so I tried to order, like,</b></p> <p>24 <b>a chicken soup, or something, and then he basically</b></p> <p>25 <b>told me -- he could tell that I didn't care for it, so</b></p>
<p style="text-align: right;">Page 70</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And you named Officer Khan as a defendant in your</p> <p>3 lawsuit; is that right?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. All right. What are your allegations against</p> <p>6 Officer Khan?</p> <p>7 <b>A. It's more so about being a female police officer. He</b></p> <p>8 <b>doesn't feel that women should work, let alone be</b></p> <p>9 <b>police officers.</b></p> <p>10 Q. Why do you say that?</p> <p>11 <b>A. Because he said it to me.</b></p> <p>12 Q. Okay. Are you aware that his own wife works as a</p> <p>13 nurse?</p> <p>14 <b>A. He told me that she had a degree in it, but that she</b></p> <p>15 <b>didn't actually work the hours.</b></p> <p>16 Q. Okay.</p> <p>17 <b>A. She was a stay-at-home mom.</b></p> <p>18 Q. If I was to tell you that she has worked continuously</p> <p>19 for the last ten years as a nurse at a hospital, would</p> <p>20 you have any reason to dispute that?</p> <p>21 <b>A. Well, that's just not what he told me.</b></p> <p>22 Q. Okay. Officer Khan, do you have any complaints about</p> <p>23 him regarding race?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Officer Khan is of Arabic descent?</p>	<p style="text-align: right;">Page 72</p> <p>1 then he told me that he would give me a passing grade</p> <p>2 if I said I liked the food.</p> <p>3 Q. He would give you a passing grade in the FTO</p> <p>4 training --</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. -- if you said you liked the soup at the Arabic</p> <p>7 restaurant?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. All right. I don't recall reading that claim in your</p> <p>10 Amended Complaint. Is there any particular reason</p> <p>11 why?</p> <p>12 <b>A. It just came to mind.</b></p> <p>13 Q. Okay. Is it fair to say that Officer Khan was joking</p> <p>14 when he made that comment to you?</p> <p>15 <b>A. I have no idea. He didn't joke.</b></p> <p>16 Q. Did you honestly believe that he would pass you in the</p> <p>17 FTO program if you said you liked the soup?</p> <p>18 <b>A. Well, he said he would give me a passing grade for</b></p> <p>19 <b>that day.</b></p> <p>20 Q. All right. Did you say you liked the soup?</p> <p>21 <b>A. No.</b></p> <p>22 Q. How come?</p> <p>23 <b>A. Because I didn't like it.</b></p> <p>24 Q. So you will do things even if it doesn't mean</p> <p>25 promotion if you think it's the right thing to do;</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 73</p> <p>1 right?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Okay. But I asked you earlier why you didn't</p> <p>4 complain, and you said that that's not something that</p> <p>5 you do in order to, sort of, protect your job.</p> <p>6 <b>A. Saying that you like a food that you don't like is a</b></p> <p>7 <b>lie, but complaining against other officers is a</b></p> <p>8 <b>different type of offense --</b></p> <p>9 Q. Okay.</p> <p>10 <b>A. -- that suffers a different type of, you know...</b></p> <p>11 Q. Even if it means not complying with orders that say</p> <p>12 you have to report complaints about other officers?</p> <p>13 <b>A. It's just not done.</b></p> <p>14 Q. By you.</p> <p>15 <b>A. By anyone, really.</b></p> <p>16 Q. So nobody -- so it's your testimony that nobody</p> <p>17 complains to HR or supervisors about conduct of other</p> <p>18 officers?</p> <p>19 <b>A. Hardly ever.</b></p> <p>20 Q. And what do you base that on?</p> <p>21 <b>A. Different examples of seeing when a person did</b></p> <p>22 <b>complain, the things that happened to that person. It</b></p> <p>23 <b>just doesn't fare very well. And the times that I've</b></p> <p>24 <b>complained, nothing better. If anything, it just</b></p> <p>25 <b>makes everything worse.</b></p>	<p style="text-align: right;">Page 75</p> <p>1 Q. So he may have intended to leave and go to law school</p> <p>2 anyway; right?</p> <p>3 <b>A. I guess so.</b></p> <p>4 Q. Have you spoken to him?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Okay. Give me some examples, though, where officers</p> <p>7 complained about the treatment of them by fellow</p> <p>8 officers where it didn't go well.</p> <p>9 <b>A. Khan punched another officer in the head and command</b></p> <p>10 <b>had heard about it, and then they asked him if he</b></p> <p>11 <b>wanted to file a complaint, and the officer said no,</b></p> <p>12 <b>because you can't. The general rule is, you don't</b></p> <p>13 <b>complain on one another. So even though the command</b></p> <p>14 <b>knows about it, they don't do anything unless you make</b></p> <p>15 <b>an actual complaint against another officer.</b></p> <p>16 Q. Who was the officer that you allege Officer Khan</p> <p>17 punched?</p> <p>18 <b>A. Twardesky.</b></p> <p>19 Q. Do you know the first name of Officer Twardesky?</p> <p>20 <b>A. Jim.</b></p> <p>21 Q. Okay. Is Officer Twardesky still in the department?</p> <p>22 <b>A. He's a detective, yes.</b></p> <p>23 Q. Do you know the type of relationship that Khan and</p> <p>24 Twardesky had?</p> <p>25 <b>A. He was his FTO at one point.</b></p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. Well, give me some examples of officers who</p> <p>2 have complained to supervisors or HR about other</p> <p>3 officers' behavior and it didn't fare well for them.</p> <p>4 <b>A. John Adams.</b></p> <p>5 Q. Okay. Who's John Adams?</p> <p>6 <b>A. He was a police officer with the City of Warren.</b></p> <p>7 Q. Okay. And is he still?</p> <p>8 <b>A. No.</b></p> <p>9 Q. Okay. Tell me about what you know about</p> <p>10 Officer Adams.</p> <p>11 <b>A. His issue or complaint was about officers being</b></p> <p>12 <b>heavy-handed.</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. And he went into command staff to report it, and then</b></p> <p>15 <b>it got back to the people that he was complaining</b></p> <p>16 <b>about, and then they started calling him a P word and</b></p> <p>17 <b>a snitch and nobody wanted to work with him.</b></p> <p>18 Q. When was this?</p> <p>19 <b>A. I'm not exactly sure.</b></p> <p>20 Q. Was it around the time you were hired? Was it in the</p> <p>21 last couple of years?</p> <p>22 <b>A. He and I were hired on together, so it would have been</b></p> <p>23 <b>quite a few years ago, because he left to go to law</b></p> <p>24 <b>school and stuff like that, so I don't remember</b></p> <p>25 <b>exactly.</b></p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Do you know if they were friends or are friends?</p> <p>2 <b>A. No, I'm not sure.</b></p> <p>3 Q. Okay. I have what I'll mark as Exhibit 6, your</p> <p>4 Answers to Interrogatories.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 6</p> <p>7 11:52 a.m.</p> <p>8 BY MR. ACHO:</p> <p>9 Q. And without belaboring it and going through all of it,</p> <p>10 I ask -- Ms. O'Donnell and I ask, on a number of</p> <p>11 occasions, to provide any type of written</p> <p>12 documentation or any documentation supporting any of</p> <p>13 your allegations, and your response was that you don't</p> <p>14 possess any documentation; is that right?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Is that because you didn't file any type of complaint?</p> <p>17 <b>A. The only complaints that I recall, I made one with</b></p> <p>18 <b>Mark Simlar regarding a dispatcher and the final</b></p> <p>19 <b>complaint with Barb Beyer.</b></p> <p>20 Q. Okay. The Complaint that you made with Mark Simlar</p> <p>21 regarding a dispatcher, who was that dispatcher?</p> <p>22 <b>A. Dawn.</b></p> <p>23 Q. Dawn?</p> <p>24 <b>A. McLane.</b></p> <p>25 Q. Okay. And when was this complaint to Mark Simlar?</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 77</p> <p>1 <b>A. I believe 2010 or '11, somewhere in there.</b></p> <p>2 Q. All right. Now, Mr. Simlar is present here today;</p> <p>3 correct?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. What is his position, if you know?</p> <p>6 <b>A. Human resources department.</b></p> <p>7 Q. And you believed he was the individual to complain to?</p> <p>8 <b>A. Well, they had me meet with him, so...</b></p> <p>9 Q. Who's "they"? Let -- I'll tell you what. Let's</p> <p>10 back -- backtrack a little bit. Tell me about the</p> <p>11 incident with Dawn McLane and then take me from there.</p> <p>12 <b>A. I was sent to a man with a gun run, and there was no</b></p> <p>13 <b>information given, no description of the person, no</b></p> <p>14 <b>vehicle, no information regarding the gun, no color of</b></p> <p>15 <b>clothing, and I was in very close proximity to where</b></p> <p>16 <b>that run was, so the odds of me getting there first</b></p> <p>17 <b>were very great. So I waited for her to give more</b></p> <p>18 <b>information, and at the point that no more information</b></p> <p>19 <b>came through, I went on the air and asked for further</b></p> <p>20 <b>information, if there was any, and she was just very</b></p> <p>21 <b>belligerent and never give me any further information.</b></p> <p>22 <b>So after I finished the run, I came into the station</b></p> <p>23 <b>and I decided to make a complaint.</b></p> <p>24 Q. Okay. And what was your complaint, that officer --</p> <p>25 that Dispatcher McLane was difficult or didn't provide</p>	<p style="text-align: right;">Page 79</p> <p>1 correct?</p> <p>2 <b>A. In the fact that you're not given the proper</b></p> <p>3 <b>information and that it shows that when I did complain</b></p> <p>4 <b>nothing happened, so...</b></p> <p>5 Q. How do you know nothing happened?</p> <p>6 <b>A. Because they usually type it up on a memo and they put</b></p> <p>7 <b>it in an email to everyone of discipline that's been</b></p> <p>8 <b>given.</b></p> <p>9 Q. So other officers that have been disciplined, that</p> <p>10 memo is disseminated to everybody in the department?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Can you give some examples of officers that have been</p> <p>13 disciplined where it was disseminated to everybody?</p> <p>14 <b>A. If people get days off or get suspended or something</b></p> <p>15 <b>like that, they'll put an email out.</b></p> <p>16 Q. For officers?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Can you give some examples?</p> <p>19 <b>A. So many.</b></p> <p>20 Q. There's "so many" because Warren takes a lot of</p> <p>21 disciplinary action against officers?</p> <p>22 <b>A. From time to time.</b></p> <p>23 Q. If things are reported, they'll take action; right?</p> <p>24 <b>A. From time to time. It depends on who it is.</b></p> <p>25 Q. Do you think they're selective?</p>
<p style="text-align: right;">Page 78</p> <p>1 more information?</p> <p>2 <b>A. On a serious run, yes.</b></p> <p>3 Q. Okay. Since you are familiar with the police culture,</p> <p>4 would you agree with me that sometimes things get</p> <p>5 heated between dispatchers and officers?</p> <p>6 <b>A. Sure.</b></p> <p>7 Q. Dispatchers have a highly, highly stressful job?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Especially in a city the size of Warren.</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. What did Mr. Simlar do with the complaint</p> <p>12 regarding Ms. McLane?</p> <p>13 <b>A. I have no idea.</b></p> <p>14 Q. Okay. Who was it that told you to meet with</p> <p>15 Mr. Simlar? Who did you complain to initially?</p> <p>16 <b>A. It would have been whoever was in the office at that</b></p> <p>17 <b>time, but I don't -- I don't remember.</b></p> <p>18 Q. All right. But you didn't have any reason to believe</p> <p>19 that Ms. McLane withheld information from you because</p> <p>20 of your race or your gender, did you?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Okay. It was just butting heads, a personality</p> <p>23 conflict with another employee; right?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. I mean, it's nothing that gives rise to your lawsuit;</p>	<p style="text-align: right;">Page 80</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And what is the selectivity based on?</p> <p>3 <b>A. If you are on special teams, special assignments, like</b></p> <p>4 <b>the special response team, things like that. If</b></p> <p>5 <b>you're in different units, the rules don't apply to</b></p> <p>6 <b>everyone the same.</b></p> <p>7 Q. Were you ever on any special units?</p> <p>8 <b>A. No.</b></p> <p>9 Q. Okay. Getting back to Dawn McLane, you don't know for</p> <p>10 certain that she did or did not receive any</p> <p>11 disciplinary action; correct?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Also, when I asked you about how do you know when</p> <p>14 officers were disciplined, you said, when police</p> <p>15 officers received discipline, there's usually a memo</p> <p>16 and it goes out to the department. But Dawn McLane is</p> <p>17 not a police officer; correct?</p> <p>18 <b>A. Correct.</b></p> <p>19 THE WITNESS: There it goes.</p> <p>20 MR. MUNGO: That's okay. That's okay. No</p> <p>21 problem, no problem, no problem. No biggie. No</p> <p>22 problem. Got it. We got it. No, no, no, I got it. I</p> <p>23 got it. I got it. It's okay.</p> <p>24 MR. ACHO: All right. No biggie because</p> <p>25 your copies are good, so we've got them in.</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 81</p> <p>1 MR. MUNGO: Thank you, sir. No problem. 2 All right. It's nothing but water. 3 MR. ACHO: Are we still on the record? 4 Okay. 5 BY MR. ACHO: 6 Q. So regarding Dawn McLane, isn't it true that you went 7 up to the jail and you saw Mr. Simlar and you told 8 him, regarding Dawn McLane and discipline, when 9 Mr. Simlar asked you, what would you like us to do, 10 you said, you guys do whatever you want? Do you 11 recall that conversation? 12 <b>A. Probably, because I would either say that or, don't do</b> 13 <b>anything.</b> 14 Q. Okay. So let's go back to Officer Khan. If you can 15 look at this packet, Exhibit -- you have it, 16 Exhibit 2. That should be it. Nope. It should be in 17 here. If you turn those over, it should be in there. 18 There you go. No, this is it. If we look at Officer 19 Khan's evaluation of you during the FTO program -- 20 MR. MUNGO: Which one is that, Counsel? 21 MR. ACHO: Exhibit 2, I believe. 22 BY MR. ACHO: 23 Q. -- you would agree that Officer Khan is extremely 24 critical of your performance; correct? 25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 83</p> <p>1 information needed for prosecution? 2 <b>A. Yes.</b> 3 Q. Do you recall that he was critical that you completely 4 failed to process an OWI report, did not include 5 DataMaster or sobriety task information? 6 <b>A. Yes.</b> 7 Q. You would agree those are key pieces of evidence for 8 prosecution; correct? 9 <b>A. Yes.</b> 10 Q. Khan had to do the report for you, didn't he? 11 <b>A. Yes.</b> 12 Q. And Khan was also critical of your safety procedures, 13 the fact that you put yourself in danger; correct? 14 <b>A. Yes.</b> 15 Q. Khan indicated that you walked into a home where a man 16 removed a semiautomatic weapon and pointed it and you 17 did not pull out your weapon and he had to take over, 18 do you recall that? 19 <b>A. I unclipped my holster, but I did not draw my weapon.</b> 20 Q. Okay. And Khan was critical of you for it; correct? 21 <b>A. Yes.</b> 22 Q. You would agree that failing to take care of that 23 situation put both you and Khan's lives in danger; 24 correct? 25 <b>A. Negative. The man's son was present at the time and I</b></p>
<p style="text-align: right;">Page 82</p> <p>1 THE WITNESS: I don't know what page he's 2 on. 3 BY MR. ACHO: 4 Q. For instance, there was an instance where an 5 individual received an OWI and you failed to read him 6 his rights before the PPB was administered. Do you 7 remember that? 8 <b>A. No.</b> 9 Q. You don't remember that happening? 10 <b>A. Not offhand, no.</b> 11 Q. But if he said it happened, you would have no reason 12 to deny it, would you? 13 <b>A. No, sir. What page are you on?</b> 14 Q. I'm just going through -- I made notes regarding the 15 documentation. 16 <b>A. Okay.</b> 17 Q. But I was asking if you recall that incident -- 18 <b>A. No.</b> 19 Q. -- and him being critical of you for it. 20 <b>A. I recall him being critical overall, yes.</b> 21 Q. Do you recall him being critical of the fact that you 22 would draw up crash diagrams incorrectly? 23 <b>A. Yes.</b> 24 Q. Do you recall him being critical that when you would 25 draw up a crash diagram, you would leave out pertinent</p>	<p style="text-align: right;">Page 84</p> <p>1 <b>did not feel that he was trying to shoot or harm us.</b> 2 <b>He was just letting us know that he had a weapon and</b> 3 <b>he was presenting it to us in a safe way.</b> 4 Q. Okay. Officer Khan noted that you had difficulty 5 using LEIN and SOS; correct? 6 <b>A. Yes.</b> 7 Q. That you were not comfortable with it; correct? 8 <b>A. Yes.</b> 9 Q. At some points, Officer Khan noted when your 10 performance improved, did he not? 11 <b>A. I think rarely, but yes.</b> 12 Q. So that would indicate that he was trying to be fair 13 with you; correct? 14 <b>A. No.</b> 15 Q. If he was deliberately unfair, why would there be 16 certain days where he would indicate, Desheila's 17 performance improved? 18 <b>A. Well, if you do a hundred negative things and then</b> 19 <b>throw in two good things, it doesn't really weigh</b> 20 <b>itself out.</b> 21 Q. Is it fair to say that Khan is known as a pretty stern 22 taskmaster? 23 <b>A. When it comes to female officers, yes.</b> 24 Q. Isn't it true that he's failed a number of male 25 officers in FTO?</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 85</p> <p>1 <b>A. And also passed some for things that would be</b> 2 <b>considered, you know --</b> 3 Q. That's not my question. My question is, isn't it true 4 that he has failed a number of male officers in the 5 FTO program? 6 MR. MUNGO: If you know. 7 <b>A. I only know about the female officers.</b> 8 BY MR. ACHO: 9 Q. How is it you only know about the female? 10 <b>A. Because we would all share a locker room.</b> 11 Q. So you never heard that he failed male candidates in 12 FTO? 13 <b>A. No.</b> 14 Q. If I told you that he had failed many male candidates 15 in FTO, you would have no reason to dispute that, 16 would you? 17 <b>A. No.</b> 18 Q. Could it be just that Khan is a very stern and 19 demanding FTO officer? 20 <b>A. I believe it's a little more than that, though.</b> 21 Q. All right. Do you recall that Khan was critical when 22 he was explaining the civil eviction process to you, 23 he wrote that you turned your head, you did not want 24 to hear what he had to say? 25 <b>A. No, I don't recall that.</b></p>	<p style="text-align: right;">Page 87</p> <p>1 you to pull your vehicle off the roadway and you had 2 not? 3 <b>A. No.</b> 4 Q. Do you recall him telling you to run the passengers of 5 the vehicle through LEIN and you failed to do so? 6 <b>A. No.</b> 7 Q. Was he critical of your directional skills? I'm not 8 referring to mapping, I'm talking about directional 9 skills. 10 <b>A. Yes.</b> 11 Q. He indicated that you -- strike that. 12 He indicated that he was alarmed that you 13 did not have a basic sense of direction as an officer. 14 <b>A. It's called cross-triangulation, I was having problems</b> 15 <b>with.</b> 16 Q. Okay. And he noted those concerns; correct? 17 <b>A. Yes.</b> 18 Q. He also noted concerns that you had with orientation 19 and geography of the city; correct? 20 <b>A. Which is the same thing, yes.</b> 21 Q. All right. As a result of these deficiencies, you 22 were given a performance improvement plan; correct? 23 <b>A. Yes.</b> 24 Q. All right. And the performance improvement plan was 25 to be for no more than 15 days; correct?</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. Do you recall him indicating on multiple occasions 2 that you had difficulty in accepting constructive 3 criticism? 4 <b>A. Sure.</b> 5 Q. Okay. Do you recall not calling out location when 6 doing a pat down of a citizen? 7 <b>A. No.</b> 8 Q. Do you recall him being critical of you for that? 9 <b>A. No.</b> 10 Q. Officer Khan noted multiple times that's still, toward 11 the end of the FTO phase, you were not calling out 12 every run, do you recall that? 13 <b>A. No.</b> 14 Q. Do you recall going to the wrong address on multiple 15 occasions? 16 <b>A. My mapping was the hardest thing for me, learning a</b> 17 <b>large city like that, so yes.</b> 18 Q. And he was critical of you for that; correct? 19 <b>A. Yes.</b> 20 Q. Do you think it's fair that an FTO officer should 21 expect a candidate to know the boundaries and 22 territories and the mapping of the city? 23 <b>A. Yes.</b> 24 Q. Do you remember a traffic safety stop of a vehicle 25 with a broken headlight where Officer Khan had warned</p>	<p style="text-align: right;">Page 88</p> <p>1 <b>A. Yes.</b> 2 Q. Who put you on the performance improvement plan? 3 <b>A. Whoever was in charge of that back then. I believe it</b> 4 <b>was Aherns was over the FTO program.</b> 5 Q. And how do you spell Aherns? 6 <b>A. A-h-e-r-n-s, Aherns.</b> 7 Q. You had no reason to dispute the PIP, did you? 8 <b>A. I thought it was personal, but I went along with it.</b> 9 Q. You recognized that there were, in fact, numerous 10 areas where you were deficient and needed improvement; 11 correct? 12 <b>A. Yes.</b> 13 Q. Other than the comment regarding women not being 14 able -- strike that. 15 Other than the comment where you allege 16 Khan said women shouldn't work, or words to that 17 effect, do you have other claims against Officer Khan? 18 <b>A. He failed Krystal -- her name was Gogo at the time,</b> 19 <b>but now it's Krystal Gill -- in the third phase, and</b> 20 <b>then he also failed Makowski, Shannon Makowski [ph],</b> 21 <b>in the third phase. And Matt Nichols purposely told</b> 22 <b>Khan to take Makowski in the third phase, projecting</b> 23 <b>that he would fail her, because they had a personal</b> 24 <b>conflict.</b> 25 Q. How do you know that?</p>

DESHEILA HOWLETT  
December 27, 2017

Page 89

1 **A. Matt told me.**  
2 Q. And who is Matt Nichols?  
3 **A. Right now, he's the deputy chief.**  
4 Q. And how is it Matt Nichols would have the occasion to  
5 make such a comment to you?  
6 **A. We were having a conversation and he let me know that**  
7 **Shannon gave him a ticket when she worked at another**  
8 **police department, before she came to our department,**  
9 **so...**  
10 Q. Shannon's last name is what?  
11 **A. Makowski.**  
12 Q. Okay. Do you have a relationship today with Matt  
13 Nichols where you speak to each other?  
14 **A. Not since -- not since February.**  
15 Q. Not since February. What happened in February?  
16 **A. I left.**  
17 Q. Okay. Prior to February, what kind of relationship  
18 did you have with Deputy Chief Nichols?  
19 **A. Confidant.**  
20 Q. Confidant?  
21 **A. Uh-huh.**  
22 Q. Can you tell me what you mean by that?  
23 **A. I would talk to him about my struggles and things that**  
24 **were going on in the department for my entire duration**  
25 **of time of being there.**

Page 90

1 Q. And Matt Nichols was always receptive and willing to  
2 listen to whatever you had to say; correct?  
3 **A. Yes.**  
4 Q. And Matt Nichols -- Deputy Chief Nichols wanted to see  
5 things go well for you; correct?  
6 **A. Yes.**  
7 Q. He liked you.  
8 **A. Yes.**  
9 Q. Isn't it true that you referred to Officer Khan  
10 multiple times as a sand nigger?  
11 **A. No.**  
12 Q. You never said that?  
13 **A. I know who did say it, but I didn't.**  
14 Q. Well, who said it?  
15 **A. Derek Scott.**  
16 Q. Derek Scott?  
17 **A. Yes.**  
18 Q. Isn't it fair to say that more than one person could  
19 make such a comment?  
20 **A. He told me that they're either sand niggers or dune**  
21 **coons.**  
22 Q. Okay. But if multiple officers were to say that you  
23 referred to him as a sand nigger, would they be lying?  
24 **A. Like I said, Derek had that conversation with me.**  
25 Q. I understand that. I'm asking you pointblank if you

Page 91

1 referred to Officer Khan as a sand nigger in front of  
2 other officers.  
3 MR. MUNGO: Objection, asked and answered.  
4 BY MR. ACHO:  
5 Q. You did, didn't you?  
6 MR. ACHO: She didn't answer it.  
7 MR. MUNGO: Asked and answered.  
8 MR. ACHO: She did not answer it.  
9 MR. MUNGO: She said that --  
10 MR. ACHO: She said Derek Scott.  
11 MR. MUNGO: Yeah, right.  
12 MR. ACHO: I understand. But she's not --  
13 I'm asking her pointblank if she referred to him as a  
14 sand nigger, because multiple officers told me she  
15 did.  
16 BY MR. ACHO:  
17 Q. You don't deny that, do you?  
18 **A. Maybe I did. I don't recall.**  
19 Q. All right. Did you ever tell Officer Khan that you  
20 and Jeff Steinberg would make the ultimate baby  
21 together?  
22 **A. Jeff Steinberg?**  
23 Q. Yes.  
24 **A. No.**  
25 Q. It's true that you found a couple of the officers at

Page 92

1 Warren P.D. sexually attractive; yes?  
2 **A. Yes.**  
3 Q. And you made your opinion about their sexual  
4 attractiveness or worthiness clear to other people;  
5 correct?  
6 **A. I had relationships with officers.**  
7 Q. Sexual relationships.  
8 **A. No.**  
9 Q. But you wanted to have sexual relationships with a  
10 couple of officers; yes?  
11 **A. There were a couple of people that I liked as people,**  
12 **yes.**  
13 Q. All right. Did you ever refer to white people as  
14 crackers around other officers?  
15 **A. No. Again, Derek explained to me what -- where --**  
16 **where the meaning came from in the steel mills of**  
17 **people cracking corn to make liquor out of, because I**  
18 **didn't know what the meaning of it was, so he just**  
19 **kind of educated me on the history of the word.**  
20 Q. Have you worked with Officer Khan since the FTO phase?  
21 **A. I'm sure we had overlapping runs from time to time.**  
22 Q. What is your relationship -- strike that.  
23 Prior to February of this year, what was  
24 your relationship like with Officer Khan?  
25 **A. He would eye glare, stare, no speaking at all, kind of**

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Pages 89 to 92



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 93</p> <p>1 look down at the feet when we pass each other. I was 2 on my way to a run and he pulled me over. At that 3 time, I was a detective so I was in an unmarked car, 4 and I explained thoroughly to him why I was in a rush 5 to get to the run, and then he proceeded to go into 6 the station and make -- try to make a complaint. When 7 I came back from the run, my supervisor told me that 8 he was trying to get me written up. 9 Q. You were going to Warren Fitzgerald High School; 10 correct? 11 A. Yes. 12 Q. You were going to a football game? 13 A. No. 14 Q. What were you going there for? 15 A. A teacher was having sex with students. 16 Q. Okay. And that required you to go 30, 40 miles an 17 hour above the speed limit? 18 A. I wasn't going 30, 40 above the speed limit, but what 19 it is is this: Evidence tech calls out, he's at my 20 scene, teacher is having sex on the desk with the 21 student. I need to get there to let him know what I 22 need tech'd. But I heard him call out prior to me, so 23 I was just trying to hurry up and get there. 24 Q. All right. You were in your own personal car; 25 correct?</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. And where does that knowledge come from? 2 A. Sergeant Eidt. 3 Q. Sergeant Eidt? 4 A. Yeah. 5 Q. And how is that spelled? 6 A. E-i-d-t. 7 Q. And what did Sergeant Eidt tell you about that? 8 A. That Khan tried to get me written up. 9 Q. And that he was shot down by Eidt? 10 A. Or who he initially gave the complaint to. I would 11 assume that he complained to whoever his supervisor 12 was, and then that supervisor must have contacted my 13 supervisor, which is Sergeant Eidt. 14 Q. In total -- and I know you told me you share a locker 15 room with the female officers, but in total, do you 16 know how many FTO recruits that Officer Khan has had 17 in the past and how many he has either failed or 18 recycled versus how many he has passed? 19 A. No, sir. 20 Q. Okay. You sort of lumped him in with one of your 21 complaints with an Officer Labin. 22 A. Labin. 23 Q. Labin. That is page 5 of your Complaint, which is 24 Exhibit 3, and it says, subsection (b), "Defendant 25 Anwar Khan and Darrin Labin, white male, approached</p>
<p style="text-align: right;">Page 94</p> <p>1 A. My detective car. 2 Q. Your detective car. But Khan didn't know that was a 3 department-issued vehicle; correct? 4 A. I would assume not. 5 Q. All right. And as soon as you flashed your badge to 6 him, he said, hey, just slow down, and let you go; 7 right? 8 A. No. 9 Q. Well, tell me what the conversation was. 10 A. I thoroughly explained that I was on my way to 11 Fitzgerald and that I was trying to get there because 12 an evidence tech had already called out. And he -- I 13 remember getting back in his car and he made, like, a 14 skirting sound, when you, like, drag the tires, and 15 the parking lot that we were in, it made all the 16 employees turn to look because he left in such a, you 17 know, hasty way. 18 Q. Okay. You said he tried to make a complaint about 19 you. Isn't it true, if he wanted to have made a 20 complaint about you, he would have? 21 A. Supervisors don't always take complaints if they don't 22 feel whatever about it. 23 Q. So do you have any knowledge that he attempted to make 24 a complaint and was shot down? 25 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 another white police officer who was a friend of the 2 plaintiff and inquired of him whether he had engaged 3 in sexual relations with plaintiff and whether he had 4 a threesome with plaintiff and another female." 5 You see that? 6 A. Yes. 7 Q. Okay. Why is there a -- why is that Complaint part of 8 this lawsuit? 9 A. Because Khan is against women working, being in 10 policing, and it wasn't a racial thing between him and 11 I. He was always coming at me from a sexist 12 standpoint, I felt, and to inquire to other people 13 whether I've had sexual relations with them or not is 14 not appropriate. 15 Q. Well, would you agree that it's not appropriate to 16 publicly state that you would like to have sexual 17 relations with multiple police officers? 18 MR. MUNGO: Objection, assuming facts that 19 are not in evidence. 20 MR. ACHO: You've got to let me finish my 21 question. And she already admitted to it. What are 22 you talking about? She already said on the record 23 that she's told people she wanted to have sex with a 24 couple of officers. 25 MR. MUNGO: That -- that's</p>

DESHEILA HOWLETT  
December 27, 2017

Page 97	Page 99
<p>1 mischaracterizing -- 2 MR. ACHO: It is? 3 MR. MUNGO: -- her testimony. Yes, sir. 4 She did not say -- 5 MR. ACHO: We can go back and have her read 6 it, but, I mean, I think it's in the record. 7 MR. MUNGO: That's not what she said. 8 MR. ACHO: All right. 9 MR. MUNGO: And, Counsel, I may also object 10 to the fact that it's not relevant. It is not 11 proportional to the defense of the allegations in this 12 Complaint at all and it is designed and has the effect 13 of harassing and upsetting my client. 14 MR. ACHO: Okay. First of all, if she's 15 upset, it's certainly not my intention, but nobody is 16 harassing her. I'm allowed to ask certain questions. 17 She's already admitted to certain things, so I need to 18 determine her veracity. 19 MR. MUNGO: Well, Counsel, you know that -- 20 MR. ACHO: And relevance is not a proper 21 objection in a deposition and you know this, so -- 22 MR. MUNGO: Well -- 23 MR. ACHO: It's not. So let me ask -- 24 MR. MUNGO: But -- but -- 25 MR. ACHO: Go ahead.</p>	<p>1 Q. Was it Khan or Labin? Because they're both lumped in 2 there. Who made the comment? 3 <b>A. My understanding is, the officer was in the urinal 4 using the restroom and that he was flanked by both of 5 these officers, one on the left side, one on the 6 right, and in the middle of his urinating, was asked 7 if we were together.</b> 8 Q. All right. So this comment wasn't made to you or 9 within your earshot. 10 <b>A. No, just to someone who associates with me.</b> 11 Q. All right. Who -- who told you that this comment was 12 made? 13 <b>A. Matt Nichols.</b> 14 Q. Matt Nichols, all right. And how did Matt Nichols 15 broach this with you? Was it said in the context of, 16 hey, FYI, this was said, you should sort of watch what 17 you say, or, hey, get a load of this, in a funny way? 18 How did you take it? 19 <b>A. He felt bombarded -- because why would you talk to 20 somebody when you're in the middle of peeing in a 21 restroom? And I just asked him, I don't know, in a -- 22 you know, not in -- in the restroom or whatever, and 23 then he said that they just kept digging into our 24 relationship.</b> 25 Q. Digging into yours and Matt Nichols relationship?</p>
Page 98	Page 100
<p>1 MR. MUNGO: -- Counsel, if the inquiry is 2 not designed to elicit information -- 3 MR. ACHO: It is designed. 4 MR. MUNGO: -- that is -- that is 5 proportional, that is proportional. 6 MR. ACHO: She has a claim here. 7 MR. MUNGO: Just as in interrogatories and 8 request for production of documents, the information 9 that's being requested must be proportional to the 10 defense -- 11 MR. ACHO: Sir, your client -- 12 MR. MUNGO: Counsel -- 13 MR. ACHO: -- told fellow officers that she 14 would make the perfect baby with a couple of them, and 15 now she's saying here, it was inappropriate to ask 16 about sexual relations, and I'm saying, it's not 17 inappropriate if that door has been opened. 18 MR. MUNGO: That -- first of all, that's an 19 objection because that is mischaracterizing her 20 testimony. 21 MR. ACHO: Okay. 22 MR. MUNGO: But go ahead. Go ahead, 23 Counsel. 24 MR. ACHO: All right. 25 BY MR. ACHO:</p>	<p>1 <b>A. Yes.</b> 2 Q. All right. I'll come back to that. Is that the only 3 claim that you have against Darrin Labin? 4 <b>A. And about whoever made the comment that Marlene Kerr 5 would have been the other officer with a threesome of 6 us.</b> 7 Q. Marlene Kerr? 8 <b>A. Yes.</b> 9 Q. K-e-r-r? 10 <b>A. Yes.</b> 11 Q. Marlene Kerr is a current officer at Warren? 12 <b>A. Yes.</b> 13 Q. Are you friends with her? 14 <b>A. Yes.</b> 15 Q. Did you have any type of romantic relationship with 16 her? 17 <b>A. No.</b> 18 MR. MUNGO: Objection, Counsel. Again, 19 that is not proportionate. It's not relevant and it's 20 not proportional -- 21 MR. ACHO: Relevance is not appropriate -- 22 MR. MUNGO: -- to your defense in this 23 matter and it's designed to harass and intimidate and 24 embarrass and humiliate my client. 25 BY MR. ACHO:</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 101</p> <p>1 Q. Do you feel intimidated by my asking you the question?</p> <p>2 <b>A. It's kind of peculiar, but I don't know.</b></p> <p>3 Q. Well, you know what I find peculiar, guys, is that</p> <p>4 report that you handed me from Shiener says that you</p> <p>5 are married to a woman, but you have an ongoing</p> <p>6 relationship with another woman. It says it right in</p> <p>7 that report that I was just handed today.</p> <p>8 <b>A. No.</b></p> <p>9 Q. Is that not accurate?</p> <p>10 <b>A. No.</b></p> <p>11 Q. Did you find that peculiar when you read it?</p> <p>12 MR. MUNGO: That is not in that -- that is</p> <p>13 not in that report.</p> <p>14 MR. ACHO: Oh, it isn't?</p> <p>15 MR. MUNGO: No.</p> <p>16 MR. ACHO: Someone hand it to me. I'm</p> <p>17 going to read to you what it says, specifically.</p> <p>18 MR. MUNGO: And if that is in there, that's</p> <p>19 inaccurate.</p> <p>20 BY MR. ACHO:</p> <p>21 Q. It says, "She currently lives with her wife. She is</p> <p>22 in a committed relationship with another woman."</p> <p>23 That's what it says. Now --</p> <p>24 MR. MUNGO: Then that's -- then that's</p> <p>25 actually inaccurate.</p>	<p style="text-align: right;">Page 103</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. What was Matt Nichols' rank at the time of this?</p> <p>3 <b>A. Probably a sergeant, I believe.</b></p> <p>4 Q. All right. In paragraph 13 of your Complaint, you</p> <p>5 state that you were, "denied privileges to enjoy</p> <p>6 rights and benefits of similarly situated white police</p> <p>7 officers"; correct?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. And specifically, you claim you were denied light-duty</p> <p>10 opportunities; correct?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. All right. Can you expound a little bit on that</p> <p>13 claim? What are you referring to?</p> <p>14 <b>A. In 2011 when I was hit by the drunk driver en route to</b></p> <p>15 <b>work, my understanding is our contract says that we're</b></p> <p>16 <b>carried to and from work. So after being off for four</b></p> <p>17 <b>months and being in physical therapy for eight months,</b></p> <p>18 <b>I tried to come back to work at the three-month marker</b></p> <p>19 <b>and I was denied. They said that they didn't have any</b></p> <p>20 <b>light-duty positions available, so that I couldn't</b></p> <p>21 <b>come back until I could come back full duty, so I</b></p> <p>22 <b>returned the following month.</b></p> <p>23 Q. All right. Your accident was an off-duty or non-duty</p> <p>24 accident; correct?</p> <p>25 <b>A. Off duty, but en route to work, yes.</b></p>
<p style="text-align: right;">Page 102</p> <p>1 MR. ACHO: Well, how do you know? This is</p> <p>2 his -- this is his evaluation of your client, not you.</p> <p>3 You weren't in the room with her.</p> <p>4 MR. MUNGO: Let me see it.</p> <p>5 MR. ACHO: How do you know that?</p> <p>6 MR. VINSON: What page is that?</p> <p>7 MR. MUNGO: My -- my client knows that.</p> <p>8 MR. ACHO: You want your client to know</p> <p>9 that.</p> <p>10 BY MR. ACHO:</p> <p>11 Q. Do you have any idea why Dr. Shiener would put that in</p> <p>12 a report?</p> <p>13 <b>A. It could be a typo.</b></p> <p>14 Q. That's -- wow. That's an awfully peculiar typo to say</p> <p>15 you're in a committed relationship with another woman,</p> <p>16 but okay. Anyways, moving on.</p> <p>17 Do you have any other claims against Darrin</p> <p>18 Labin?</p> <p>19 <b>A. No.</b></p> <p>20 Q. All right. After Matt Nichols relayed this comment to</p> <p>21 you, this alleged comment to you, did you take any</p> <p>22 type of action by way of a complaint?</p> <p>23 <b>A. No.</b></p> <p>24 Q. You never filed a complaint with HR or anyone else;</p> <p>25 correct?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. But off duty.</p> <p>2 <b>A. Right.</b></p> <p>3 Q. All right. And you're aware that for light duty or</p> <p>4 desk duty, that preference, pursuant to policy, is</p> <p>5 only given for on-duty accidents or injuries; correct?</p> <p>6 <b>A. Based on that's what the paper says, but that's not</b></p> <p>7 <b>how they apply it in practice.</b></p> <p>8 Q. But that is what the policy is.</p> <p>9 <b>A. Right.</b></p> <p>10 Q. All right. Are you aware of white officers who were</p> <p>11 not involved in on-duty accidents that were given</p> <p>12 light duty?</p> <p>13 <b>A. Yes, sir.</b></p> <p>14 Q. Okay.</p> <p>15 MR. MUNGO: Counsel, after your next</p> <p>16 question, we need to take a break.</p> <p>17 MR. ACHO: Okay. I suppose you want to</p> <p>18 call Shiener.</p> <p>19 MR. MUNGO: I'm sorry?</p> <p>20 MR. ACHO: I suppose you want to call</p> <p>21 Shiener?</p> <p>22 MR. MUNGO: No. You --</p> <p>23 MR. ACHO: I would.</p> <p>24 MR. MUNGO: No, no. You just don't know</p> <p>25 how to read.</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 105</p> <p>1 MR. ACHO: I don't?</p> <p>2 MR. MUNGO: No, you don't. That was</p> <p>3 describing her relationship --</p> <p>4 MR. ACHO: I don't know how I got through</p> <p>5 law school.</p> <p>6 MR. MUNGO: That was describing her</p> <p>7 relationship with her wife. Either you don't know how</p> <p>8 to read or --</p> <p>9 MR. ACHO: Well, in fairness -- in</p> <p>10 fairness, you handed it to me moments before the</p> <p>11 deposition. It's a long document.</p> <p>12 MR. MUNGO: Well, well, well, you still</p> <p>13 need to know how to read. But in any event --</p> <p>14 MR. ACHO: I do know --</p> <p>15 MR. MUNGO: -- ask your question -- ask</p> <p>16 your question so that we can --</p> <p>17 MR. ACHO: I do know how to read. I read</p> <p>18 to you what it says. I'm looking at it right now. It</p> <p>19 says...</p> <p>20 MR. MUNGO: Then you need a -- then you</p> <p>21 need a course in grammar.</p> <p>22 MR. ACHO: In grammar?</p> <p>23 MR. MUNGO: Go ahead. Go ahead.</p> <p>24 MR. ACHO: I was a journalism major. Now I</p> <p>25 feel bad. I don't know how I got my degree.</p>	<p style="text-align: right;">Page 107</p> <p>1 <b>A. Maybe.</b></p> <p>2 Q. All right. So who's the next one?</p> <p>3 MR. MUNGO: Take the --</p> <p>4 MR. ACHO: Are there many more?</p> <p>5 <b>A. Yes.</b></p> <p>6 BY MR. ACHO:</p> <p>7 Q. Can you remember them and we'll come back to this?</p> <p>8 MR. ACHO: Go ahead.</p> <p>9 VIDEO TECHNICIAN: Off the record, 12:26.</p> <p>10 (Off the record at 12:26 p.m.)</p> <p>11 (Back on the record at 12:49 p.m.)</p> <p>12 VIDEO TECHNICIAN: Back on the record,</p> <p>13 12:49.</p> <p>14 BY MR. ACHO:</p> <p>15 Q. When we left off, you were telling me about white</p> <p>16 officers that you believe were given light-duty or</p> <p>17 desk-duty positions or benefits that you were denied,</p> <p>18 and the first person you gave me was William Ross, who</p> <p>19 had claimed mental fatigue, we said. We don't know if</p> <p>20 it was job related or not, but it might have.</p> <p>21 And then you said you had a lot of other</p> <p>22 individuals to name, so I'm wondering who those other</p> <p>23 people are.</p> <p>24 <b>A. We go by last names a lot, so I'm stating the last</b></p> <p>25 <b>names, Reichling.</b></p>
<p style="text-align: right;">Page 106</p> <p>1 MR. MUNGO: No, Counsel, you okay, you</p> <p>2 okay. You just -- you just got a little overzealous.</p> <p>3 MR. ACHO: You think so?</p> <p>4 MR. MUNGO: That's all. Yeah, you got a</p> <p>5 little overexcited about something that shouldn't have</p> <p>6 excited you, that's all.</p> <p>7 MR. ACHO: Well, I think he needs to issue</p> <p>8 an amended report.</p> <p>9 MR. MUNGO: It was wishful thinking,</p> <p>10 Counsel.</p> <p>11 MR. ACHO: All right. All right. Okay.</p> <p>12 MR. MUNGO: But I can relate.</p> <p>13 MR. ACHO: All right.</p> <p>14 BY MR. ACHO:</p> <p>15 Q. So who are the white officers that received these</p> <p>16 light-duty privileges that you did not receive?</p> <p>17 <b>A. William Ross would be one.</b></p> <p>18 Q. Okay. Now, let's stop there. What was Officer Ross's</p> <p>19 claim for injury?</p> <p>20 <b>A. Mental fatigue.</b></p> <p>21 Q. Mental fatigue from on the job; correct?</p> <p>22 <b>A. He wanted to study for the promotional exam.</b></p> <p>23 Q. Right. But he had mental fatigue on the job; correct?</p> <p>24 <b>A. I don't know if it was job related or not.</b></p> <p>25 Q. But it might have been; correct?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Raglind?</p> <p>2 <b>A. Reichling.</b></p> <p>3 Q. How do you spell that?</p> <p>4 <b>A. Should be, like, R-e-i-c-h-l-i-n-g.</b></p> <p>5 Q. And what was Officer Reichling's injury?</p> <p>6 <b>A. He was off duty and his motorcycle was falling over in</b></p> <p>7 <b>his garage, so he reaches out to grab it and his arm</b></p> <p>8 <b>was snatched out of the socket.</b></p> <p>9 Q. So he came back to work at some point?</p> <p>10 <b>A. Light duty, yes.</b></p> <p>11 Q. Light duty. And what was he doing?</p> <p>12 <b>A. Working the desk.</b></p> <p>13 Q. Okay. When you heard that Reichling had received desk</p> <p>14 duty for an off-duty incident, did you complain to</p> <p>15 anyone?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Who else was given light duty?</p> <p>18 <b>A. Let's see. Light duty was also given to</b></p> <p>19 <b>Officer Booms.</b></p> <p>20 Q. Boom?</p> <p>21 <b>A. Booms, B-o-o-m-s.</b></p> <p>22 Q. Booms. And what was Officer Booms' injury?</p> <p>23 <b>A. He had a cast on his foot, so I don't know if it was a</b></p> <p>24 <b>torn ligament or what.</b></p> <p>25 Q. Do you know if it was work related?</p>



DESHEILA HOWLETT  
December 27, 2017

Page 109

1 **A. It wasn't work related, and he was on crutches.**  
2 Q. What was the injury from, do you know?  
3 **A. Huh-uh. And they put him in the property room.**  
4 Q. But again, you don't know if it was --  
5 **A. It's my understanding that it wasn't work related, no.**  
6 Q. Who told you it wasn't?  
7 **A. Everybody was talking about it.**  
8 Q. Okay. Did you complain at that time that  
9 Officer Booms was given light duty?  
10 **A. No.**  
11 Q. Okay. Anyone else?  
12 **A. Also there was an officer on the midnight shift, his**  
13 **name was Mays.**  
14 Q. M-a-y-s?  
15 **A. Yes. And because he was getting close to retirement,**  
16 **he didn't really want to use any sick time, so they**  
17 **allowed him to work with a cast on his hand. And then**  
18 **I'm trying to think who had a pulled groin muscle from**  
19 **playing softball that was on the desk.**  
20 Q. While you're thinking of that, did you complain to  
21 anyone that Mays was given desk duty?  
22 **A. No, because all of these people mostly were prior to**  
23 **me getting injured, so I just thought it was like a**  
24 **rule of thumb that they took care of us in that way.**  
25 **And so once I got injured, you know, I found that it's**

Page 111

1 **to her. So again, nothing changes, and then you just**  
2 **lose people.**  
3 Q. Okay. What officers did you complain to that you felt  
4 were offending you that started treating you a certain  
5 way?  
6 **A. Barnhill.**  
7 Q. Okay. And is that Kevin Barnhill?  
8 **A. Yes.**  
9 Q. And what is it that you said to Barnhill, or what is  
10 it that he said to you?  
11 **A. There had been 10 or 11 occasions where he constantly**  
12 **reminded me that I was black, and so after I realized**  
13 **that he was never gonna stop and that every time he**  
14 **runs into me he has to acknowledge that I'm black, I**  
15 **told him that it was offensive. And then other people**  
16 **that heard me directly talking to him said, see,**  
17 **that's why I don't talk to her.**  
18 Q. Okay. The comments that you're referring to regarding  
19 Barnhill, you allege in your Complaint that -- on  
20 page 5 and 6, 13(d), and are these the allegations  
21 that you're referring to?  
22 **A. Yes.**  
23 Q. It says, "Defendant Kevin Barnhill, white male, always  
24 spoke to plaintiff in a derogatory, stereo-typed  
25 fashion using a slave voice."

Page 110

1 **not a given that you get light duty, so...**  
2 Q. Okay. But you don't have any information or evidence  
3 that you were denied desk duty or light duty because  
4 you were a female or African-American, do you?  
5 **A. I was just -- like I said, me as an individual was**  
6 **denied the opportunity to come back until I could come**  
7 **back full duty.**  
8 Q. All right. Did you, at any time, go to HR or anyone  
9 else and file a complaint over the fact that you were  
10 not given light duty?  
11 **A. No.**  
12 Q. Why not?  
13 **A. Again, filing complaints doesn't seem to fare well,**  
14 **and then --**  
15 Q. Okay.  
16 **A. -- if I -- if I complain or make comments about things**  
17 **that are unjust, it just always gets worse for me.**  
18 Q. Okay. When did you make complaints and things got  
19 worse for you?  
20 **A. There was a complaint made for me, and the fallout of**  
21 **that is people basically stopped talking to you or**  
22 **they make you the problem even if you haven't done**  
23 **anything. There's been times where I talked to other**  
24 **officers that are hurting or offending me, and other**  
25 **people go, see, that's why I don't associate or talk**

Page 112

1 What is a "slave voice"?  
2 **A. If you watch a movie and they have people during**  
3 **slavery time, they're talking very slow or very**  
4 **jumbled or gibberish kind of thing.**  
5 Q. And he would talk to you like that?  
6 **A. Yes. His tone would change.**  
7 Q. All right. "Saying things like, 'sister gurl,' and,  
8 'whattup, doe', employing mimicking, stereotypical and  
9 demeaning portrayals of African-Americans."  
10 **A. Yes.**  
11 Q. Is that right?  
12 **A. Yes.**  
13 Q. All right. How many times did Officer Barnhill speak  
14 to you in that fashion?  
15 **A. By the time I addressed the problem to him, it was --**  
16 **he was on the 10th or 11th time of doing it.**  
17 Q. All right. And when was this?  
18 **A. I don't -- I don't have a timeline.**  
19 Q. Okay. Would this have occurred in a matter of months  
20 or over a full year?  
21 **A. It was a great span of time, yes.**  
22 Q. All right. Is it after you started working there?  
23 **A. Yes.**  
24 Q. Okay. How is it you would interact with Kevin  
25 Barnhill? Were you partners?

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Pages 109 to 112

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 113</p> <p>1 <b>A. We would overlap at runs. I would talk to him. I</b>  2 <b>encouraged him to study for promotional exam.</b>  3 Q. Okay. So you and Barnhill were friends, were you not?  4 <b>A. I would think that we were associates, yes.</b>  5 Q. No, that's not what I said, "associates." I said, you  6 guys were friends.  7 <b>A. No. Friends, you hang out with after work and things</b>  8 <b>like that.</b>  9 Q. That's the only way you can be a friend?  10 <b>A. Again, we were associates at work, yes.</b>  11 Q. If you are encouraging somebody to study and do well  12 on a test, isn't that a friendly gesture?  13 <b>A. Again, I continued to extend myself to him.</b>  14 Q. I get it.  15 <b>A. Yeah.</b>  16 Q. What I'm saying is, you guys were friends, weren't  17 you?  18 <b>A. Not friends, no.</b>  19 Q. All right. Did you feel like you could speak openly  20 to him?  21 <b>A. I tried, yeah.</b>  22 Q. You felt comfortable prodding him on to study and do  23 well on exams; right?  24 <b>A. Yes.</b>  25 Q. And is it fair to say Barnhill felt comfortable around</p>	<p style="text-align: right;">Page 115</p> <p>1 <b>A. He's very inappropriate. I mean, he was caught</b>  2 <b>stalking a lady on her terrace, you know.</b>  3 Q. When was this?  4 <b>A. Some years back. He ran her plate, got her personal</b>  5 <b>information and showed up at her house. So that's not</b>  6 <b>very pastorally.</b>  7 Q. Was he disciplined for that?  8 <b>A. I would assume so.</b>  9 Q. How do you know about that incident? Did he tell you  10 about it?  11 <b>A. No. Just how a lot of people would talk about it, how</b>  12 <b>crazy it was for an officer to be caught -- another</b>  13 <b>police department to be called on an officer and a</b>  14 <b>officer to be accused of B&amp;E, which is breaking and</b>  15 <b>entering.</b>  16 Q. So it didn't happen in Warren?  17 <b>A. No.</b>  18 Q. Okay. Is it possible that Barnhill was just joking  19 with you and not trying to demean you?  20 MR. MUNGO: Objection, assuming a fact not  21 in evidence.  22 <b>A. I'm not sure.</b>  23 BY MR. ACHO:  24 Q. So it's possible.  25 <b>A. Anything's possible, yes.</b></p>
<p style="text-align: right;">Page 114</p> <p>1 you?  2 <b>A. Maybe too comfortable.</b>  3 MR. MUNGO: Objection, assuming a fact not  4 in evidence.  5 BY MR. ACHO:  6 Q. Okay. Do you believe that Barnhill felt comfortable  7 around you?  8 <b>A. Yes.</b>  9 Q. Okay. So if Barnhill felt comfortable around you,  10 he's making comments probably in a joking fashion,  11 fair to say?  12 <b>A. Just treat me like a human being.</b>  13 Q. Was he not treating you like a human being?  14 <b>A. I mean, you don't have to remind me that I'm a black</b>  15 <b>person. I know already.</b>  16 Q. Did he say, hey, you're a black female?  17 <b>A. But he's speaking how ghetto black girls speak. When</b>  18 <b>I'm not speaking that way, there's no need to address</b>  19 <b>me that way.</b>  20 Q. Is it true that Barnhill used to be a pastor?  21 <b>A. Yes.</b>  22 Q. Is it true that he conducts himself in a Christian  23 fashion?  24 <b>A. No.</b>  25 Q. Why do you say that?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Fair to say, based on your experience of 40-plus years  2 as an African-American, that sometimes when you  3 encounter white people who you may be on a friendly  4 basis with, they may come off as awkward or not  5 necessarily know how to know -- act or joke around  6 people of color?  7 <b>A. You're asking me their state of mind? What they</b>  8 <b>think?</b>  9 Q. No. I'm just asking you, in your experience, isn't it  10 fair to say that a lot of white people, when you  11 encounter them, are awkward or goofy and not  12 necessarily trying to hurt you, but just don't know  13 how to really come off as funny?  14 MR. MUNGO: Objection, assuming a fact not  15 in evidence.  16 BY MR. ACHO:  17 Q. It's no fact. I'm just asking you in your experience.  18 <b>A. But a lot of white people don't.</b>  19 Q. I know a lot of white people don't, but isn't it fair  20 to say that a lot of white people do?  21 <b>A. Act awkward, sure.</b>  22 Q. Okay. And couldn't it just have been that Barnhill  23 was awkward and not trying to hurt you, per se?  24 <b>A. After so many years of being there and having so many</b>  25 <b>conversations, there should get to a point where the</b></p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 117</p> <p>1 <b>awkwardness ceases.</b></p> <p>2 Q. Well, how many -- strike that.</p> <p>3 <b>You testified earlier that once you</b></p> <p>4 <b>addressed it with Barnhill, that you felt the 10 or 11</b></p> <p>5 <b>times that he had joked or made comments, that you</b></p> <p>6 <b>addressed it with him, that it stopped after that.</b></p> <p>7 <b>A. That's why I addressed it because I wanted it to stop.</b></p> <p>8 <b>Q. And it stopped; right?</b></p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Because you told him, hey, it bugs me. And so what</p> <p>11 did he tell you?</p> <p>12 <b>A. I don't recall him saying anything.</b></p> <p>13 Q. Didn't he say to you, you know what, Desheila, it was</p> <p>14 never my intent to hurt you, I was joking around?</p> <p>15 <b>A. Again, I don't remember him saying anything.</b></p> <p>16 Q. Is it possible that he said that to you?</p> <p>17 <b>A. It's possible.</b></p> <p>18 MR. MUNGO: Objection, asked and answered.</p> <p>19 BY MR. ACHO:</p> <p>20 Q. Did you ever make any type of notes or memorialize</p> <p>21 anywhere when Barnhill would make comments to you?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Did you ever write down in a journal, you know,</p> <p>24 Barnhill spoke in a slave voice on this date, or</p> <p>25 something?</p>	<p style="text-align: right;">Page 119</p> <p>1 <b>A. I addressed Derek Scott.</b></p> <p>2 Q. Okay. Derek Scott, is he named as a defendant?</p> <p>3 <b>A. No.</b></p> <p>4 Q. How come?</p> <p>5 <b>A. Because our disagreement wasn't race based.</b></p> <p>6 Q. All right. What was your disagreement with</p> <p>7 Derek Scott?</p> <p>8 <b>A. He had a good relationship with a lot of dispatchers</b></p> <p>9 <b>and they would, basically, let him have free days and</b></p> <p>10 <b>they would send me to his area to do runs while he's</b></p> <p>11 <b>not doing any runs.</b></p> <p>12 Q. But you didn't have any reason to believe that was</p> <p>13 because you were a woman or African-American.</p> <p>14 <b>A. No.</b></p> <p>15 Q. How is it you are able to delineate when something is</p> <p>16 prompted by your race or your gender and when</p> <p>17 something is not?</p> <p>18 <b>A. Some things, it's because of the tone that they're</b></p> <p>19 <b>saying it in or they're mocking things that black</b></p> <p>20 <b>people say or do or they're specifically asking me</b></p> <p>21 <b>questions as a black person, like, Desheila, what is</b></p> <p>22 <b>the meaning of this? Desheila, why do you-all do</b></p> <p>23 <b>that? They're specifically coming to me, but then you</b></p> <p>24 <b>never have a conversation or talk to me at any other</b></p> <p>25 <b>time until you need the breakdown or definition on all</b></p>
<p style="text-align: right;">Page 118</p> <p>1 <b>A. No.</b></p> <p>2 Q. Nothing like that? And you never complained about</p> <p>3 Barnhill to HR or any supervisor, did you?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Do you believe you were treated differently by some of</p> <p>6 your fellow officers after you addressed your issues</p> <p>7 with Barnhill?</p> <p>8 <b>A. People have a tendency to shut down or not really know</b></p> <p>9 <b>what to say, so they just don't speak at all.</b></p> <p>10 Q. Okay. And who are you referring to?</p> <p>11 <b>A. I can't remember exactly who was standing around at</b></p> <p>12 <b>that time, but it just -- there's always, like, this</b></p> <p>13 <b>period of adjustment, if I speak out or adjust or say</b></p> <p>14 <b>anything, where I kind of get shunned for a period of</b></p> <p>15 <b>time, so...</b></p> <p>16 Q. So is it your testimony that you were shunned after</p> <p>17 you addressed it with Kevin Barnhill?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Can you name anybody, as we sit here, who shunned you?</p> <p>20 MR. MUNGO: Objection, asked and answered.</p> <p>21 <b>A. No.</b></p> <p>22 BY MR. ACHO:</p> <p>23 Q. You've said, every time I speak up. Other than the</p> <p>24 Barnhill incident, what other times have you spoken</p> <p>25 up?</p>	<p style="text-align: right;">Page 120</p> <p>1 <b>things black.</b></p> <p>2 Q. Okay. But the light-duty jobs, you said you were</p> <p>3 denied because of your race; right?</p> <p>4 <b>A. Because, to my knowledge, I'm the only person that</b></p> <p>5 <b>wasn't allowed to work the desk when needed.</b></p> <p>6 Q. Okay. But with Derek Scott, you were able to</p> <p>7 delineate that that's not because of your race or your</p> <p>8 gender. I just -- I'm trying to figure out how you</p> <p>9 determine what actions are based on race in general</p> <p>10 and which aren't.</p> <p>11 <b>A. Again, they address me -- specifically ask me things</b></p> <p>12 <b>pertaining to all things black.</b></p> <p>13 Q. I understand those people. I'm referring more to the</p> <p>14 light duty. There was no comments made to you</p> <p>15 regarding light duty, was there?</p> <p>16 <b>A. Well, the Derek thing -- again, it's just a</b></p> <p>17 <b>misunderstanding or me trying to address the fact that</b></p> <p>18 <b>he's at work and he's not working and that I'm doing</b></p> <p>19 <b>my job and his job.</b></p> <p>20 Q. All right. Who did you complain to about the</p> <p>21 Derek Scott situation?</p> <p>22 <b>A. To Derek.</b></p> <p>23 Q. Is Derek a supervisor?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Okay. You knew that, under the policies, you were</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 121</p> <p>1 supposed to report things to HR or a supervisor; 2 correct? 3 <b>A. Yes.</b> 4 Q. And you chose not to, for whatever reason, but you 5 went to Derek himself; correct? 6 <b>A. Yes.</b> 7 Q. And you believe you were shunned after that? 8 <b>A. He told -- we made up and then he told me that, when</b> 9 <b>he got in the locker room a lot of the guys were like,</b> 10 <b>see, that's why I don't talk to her.</b> 11 Q. All right. How is it you made -- you made up? 12 <b>A. We decided to move forward. He acknowledged that he</b> 13 <b>was goofing off.</b> 14 Q. And then after you made up, he went and told other 15 officers that you had approached him? 16 <b>A. No. He told me that when they got in the locker room</b> 17 <b>at the end of shift, he could overhear them saying,</b> 18 <b>see, that's why I don't talk to her.</b> 19 Q. How would they know? 20 <b>A. Because when I addressed him, it was a room full of --</b> 21 Q. Oh, so -- 22 <b>A. -- people.</b> 23 Q. -- you addressed him in front of other people? 24 <b>A. Yes.</b> 25 Q. What other people were there, do you recall?</p>	<p style="text-align: right;">Page 123</p> <p>1 <b>the individual as an individual that was doing</b> 2 <b>something inappropriate or improper, it would just</b> 3 <b>become an overall quietness.</b> 4 BY MR. ACHO: 5 Q. I know you said that. You've said that. 6 MR. ACHO: Counsel, she's not answering my 7 question. 8 BY MR. ACHO: 9 Q. Just referring to Derek Scott, you address him in 10 front of a room full of people, people -- none of 11 which you can name as we sit here. Did any of these 12 people shun you? 13 <b>A. I -- I felt tension after speaking my -- my mind or my</b> 14 <b>peace or trying to get my point across.</b> 15 Q. From whom did you feel tension? 16 <b>A. The people on my shift.</b> 17 Q. Okay. Who are these people that you felt tension 18 from? 19 <b>A. What will happen is, you just come to work and</b> 20 <b>everybody is like --</b> 21 MR. MUNGO: He wants to know who. 22 <b>A. -- more quiet or reserved.</b> 23 MR. MUNGO: He wants to know who the people 24 are. 25 <b>A. This is so many years ago, I --</b></p>
<p style="text-align: right;">Page 122</p> <p>1 MR. MUNGO: Objection, asked and answered. 2 MR. ACHO: It has not been. 3 <b>A. No, I don't know everybody that was in the room at the</b> 4 <b>time.</b> 5 BY MR. ACHO: 6 Q. Can you name anybody that was in the room? 7 MR. MUNGO: Same objection, asked and 8 answered. 9 MR. ACHO: It has not been. 10 <b>A. You can ask Derek because he would know who was</b> 11 <b>talking about it in the locker room, the male locker</b> 12 <b>room.</b> 13 BY MR. ACHO: 14 Q. I will ask him, but -- 15 <b>A. Okay.</b> 16 Q. -- as we sit here -- when you said you complained to 17 him in front of a room full of people, as we sit here 18 today, you can't remember anyone else that was there? 19 <b>A. No.</b> 20 MR. MUNGO: Objection, asked and answered. 21 BY MR. ACHO: 22 Q. Did anybody that was in that room shun you, as you 23 have stated? 24 MR. MUNGO: Objection, asked and answered. 25 <b>A. Every time that I spoke up for myself and addressed</b></p>	<p style="text-align: right;">Page 124</p> <p>1 MR. MUNGO: Okay. 2 <b>A. -- I don't know.</b> 3 MR. MUNGO: You've got to say that. 4 <b>A. Okay.</b> 5 BY MR. ACHO: 6 Q. So you don't know who? 7 <b>A. No.</b> 8 Q. All right. You mentioned somebody earlier. You said 9 police officers don't complain about each other 10 because you'll suffer some type of adverse 11 treatment -- my words, not yours, but you said it 12 doesn't fare well. And I asked you, well, what other 13 officers, and you gave me the name of a John Adams; 14 correct? 15 <b>A. Yes.</b> 16 Q. Isn't it true that John Adams came back to the City of 17 Warren Police Department while he was finishing his 18 law degree? 19 <b>A. Temporarily.</b> 20 Q. But he came back; right? 21 <b>A. Yes.</b> 22 Q. And now he's employed as an attorney here in town; 23 correct? 24 <b>A. Somewhere. I don't know where, yes.</b> 25 Q. Are you aware that he's attended the last couple of</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 125</p> <p>1 Christmas parties -- the City of Warren Police 2 Department Christmas parties? 3 <b>A. I wouldn't know that, no.</b> 4 Q. Okay. Do you still work with Officer -- strike that. 5 Prior to February, did you still work with 6 Officer Barnhill? 7 <b>A. He was assigned to the jail and I was a detective, so</b> 8 <b>no.</b> 9 Q. You would pass each other, sort of in passing from 10 time to time; correct? 11 <b>A. Yes.</b> 12 Q. And it was always friendly? 13 <b>A. He kind of stopped talking.</b> 14 Q. But he would say hello. 15 <b>A. No.</b> 16 Q. Well, did he ever, again, make any type of what you 17 called stereotypical or mocking remarks to you after 18 you addressed it with him? 19 <b>A. No.</b> 20 Q. All right. The incident in 2011 when you were in a 21 car accident, how long were you off work? You said 22 four months; correct? 23 <b>A. Yes.</b> 24 Q. All right. And you said you wanted to come back after 25 three, and you had been denied the ability to work</p>	<p style="text-align: right;">Page 127</p> <p>1 allowed him to come into your home; correct? 2 <b>A. I continued to forgive and move forward with all of</b> 3 <b>them, yes.</b> 4 Q. So, yes, you allowed him to come into your home? 5 <b>A. Yes.</b> 6 Q. All right. You would not allow a person in your home 7 that you did not trust, would you? 8 <b>A. No.</b> 9 Q. And you wouldn't allow a person into your home that 10 you thought was a hateful person, would you? 11 <b>A. No.</b> 12 Q. In 13(k) of your Complaint, page 7, you claim that 13 "Defendants," unnamed here, "repeatedly refused to 14 support plaintiff with proper backup"; is that 15 correct? 16 <b>A. Yes.</b> 17 Q. You told that to Kevin Dietz in a Channel 4 interview; 18 is that right? 19 <b>A. Yes.</b> 20 Q. That is pretty much the cardinal sin among police 21 officers, would you agree? 22 <b>A. Yes.</b> 23 Q. I mean, that's a very, very serious allegation you're 24 making; correct? 25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 126</p> <p>1 desk duty or light duty; correct? 2 <b>A. Yes.</b> 3 Q. Had you been made any promises at all that you could 4 come back and work light duty or desk duty? 5 <b>A. No.</b> 6 Q. So nobody made you that promise or guarantee; correct? 7 <b>A. Correct.</b> 8 Q. The condo that you rented from Officer Curt Priemer, 9 isn't it true that Officer Barnhill came and painted 10 your condo? 11 <b>A. I paid him, yes.</b> 12 Q. But he came and painted the condo; correct? 13 <b>A. Yes.</b> 14 Q. And this was approximately five years ago? 15 <b>A. Give or take, yes.</b> 16 Q. It was long after you had addressed your issue 17 regarding some comments; correct? 18 <b>A. I don't believe it was after. It was -- he painted</b> 19 <b>first, prior to.</b> 20 Q. Okay. But you had a good enough relationship with him 21 that you had him come into your home? 22 MR. MUNGO: Objection, mischaracterizing 23 her -- her testimony. 24 BY MR. ACHO: 25 Q. You had a good enough relationship with him that you</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Yes? 2 <b>A. Yes.</b> 3 Q. You believe that there are officers that deliberately 4 would not back you up because you're African-American? 5 <b>A. Yes.</b> 6 Q. What officers do you feel wouldn't back you up? 7 <b>A. I was advised that I needed to slow down and not be</b> 8 <b>the first person out at runs and give them an</b> 9 <b>opportunity to show up so that I wouldn't be left</b> 10 <b>alone.</b> 11 Q. Who told you that? 12 <b>A. A dispatcher who's since retired.</b> 13 Q. And what is that dispatcher's name? 14 <b>A. Debbie Broach.</b> 15 Q. Debbie? 16 <b>A. Broach.</b> 17 Q. B-r-o-a-c-h? 18 <b>A. Yes.</b> 19 Q. Do you still communicate with Ms. Broach? 20 <b>A. No.</b> 21 Q. Do you know what Ms. Broach based that comment on? 22 <b>A. I was in her office, her cubicle where the dispatchers</b> 23 <b>are, and she showed me the screen, and it has a map of</b> 24 <b>the city, and all the scout cars are like red circles</b> 25 <b>and so you can track the movement of people. And she</b></p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 129</p> <p>1 was telling me that they -- if they do come, they come</p> <p>2 slowly or they don't take the most direct route to me</p> <p>3 or they'll call out for lunch, so she just wanted me</p> <p>4 to be careful so I wouldn't get hurt.</p> <p>5 Q. Did she indicate it's because you're black?</p> <p>6 A. No.</p> <p>7 Q. Could it just be that officers don't rush to scenes?</p> <p>8 A. Generally, the calvary comes pretty fast, so...</p> <p>9 Q. But Debbie Broach did not say to you, listen, they're</p> <p>10 not going to back you up because you're</p> <p>11 African-American?</p> <p>12 A. No, she didn't specify why.</p> <p>13 Q. Don't you think you should have something like that</p> <p>14 pretty concrete before you go on television and make</p> <p>15 accusations against a department of such a --</p> <p>16 MR. MUNGO: Objection --</p> <p>17 BY MR. ACHO:</p> <p>18 Q. -- serious nature?</p> <p>19 MR. MUNGO: Objection, argumentative.</p> <p>20 MR. ACHO: It's not argumentative.</p> <p>21 A. I understood what she was trying to warn me about my</p> <p>22 safety, and if I'm the only person of a race, what</p> <p>23 else would it be?</p> <p>24 BY MR. ACHO:</p> <p>25 Q. My question is, don't you think you should have had</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. What officers in that department do you believe would</p> <p>2 deliberately not back you up because of your race?</p> <p>3 A. Can I give you an instance?</p> <p>4 Q. You can as long as you agree to come back to my</p> <p>5 question, but yes.</p> <p>6 A. Knowing, based off what she was saying that they would</p> <p>7 come, because it's their job to come, but they're</p> <p>8 coming slower, then I have to proceed in a different</p> <p>9 manner. I have to either not get their as fast or I</p> <p>10 have to know that I'm going to have to be able to hold</p> <p>11 on and deal with whatever I have to for however long I</p> <p>12 have to deal with it. Okay?</p> <p>13 Q. And that -- that's Debbie Broach's words to you?</p> <p>14 A. No, that's the way I understand it, if she's telling</p> <p>15 me to slow down and don't be the first one out to make</p> <p>16 sure that I have assistance.</p> <p>17 Q. Okay. Go ahead.</p> <p>18 A. So, after I got promoted to being a detective, you</p> <p>19 still have to, you know, go out of the office.</p> <p>20 Detective Chisholm and I were going to -- oh, that</p> <p>21 same teacher that was having sex with the underage</p> <p>22 students at Fitzgerald, he was at Twelve and Ryan, the</p> <p>23 behavioral clinic for attempted suicide. So we have</p> <p>24 an arrest warrant for a person who's a criminal sexual</p> <p>25 conduct, first-degree person, and Chisholm called</p>
<p style="text-align: right;">Page 130</p> <p>1 something more concrete before you go out publicly and</p> <p>2 make such a serious allegation --</p> <p>3 MR. MUNGO: Objection.</p> <p>4 BY MR. ACHO:</p> <p>5 Q. -- against the department?</p> <p>6 A. It's not the only --</p> <p>7 MR. MUNGO: Objection, asked and answered.</p> <p>8 MR. ACHO: It's not asked and answered.</p> <p>9 MR. MUNGO: You've got to let me get my</p> <p>10 objection.</p> <p>11 Objection, asked and answered.</p> <p>12 MR. ACHO: It has not been.</p> <p>13 BY MR. ACHO:</p> <p>14 Q. Don't you think you should have had something more</p> <p>15 concrete?</p> <p>16 A. No.</p> <p>17 Q. Would you agree with me that if officers did not back</p> <p>18 up another officer just based on race, that that would</p> <p>19 be a terrible human being?</p> <p>20 A. It would be problematic.</p> <p>21 Q. Problematic?</p> <p>22 A. Yeah.</p> <p>23 Q. That person would be completely bereft of any moral</p> <p>24 fiber, would they not?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 132</p> <p>1 dispatch and asked if we could have patrol meet us</p> <p>2 there because we're in plain clothes. You have to</p> <p>3 have a patrolled officer -- you know, a uniformed</p> <p>4 officer visible, whatever.</p> <p>5 And we get there, and we're in the car</p> <p>6 waiting, and it was about ten minutes before the guy</p> <p>7 was going to be released and a car has not been</p> <p>8 dispatched to us. So we start to notice the radio</p> <p>9 traffic, that all the runs that they're sending people</p> <p>10 to are not high-priority runs. It's like assist a</p> <p>11 motorist or something like that.</p> <p>12 So prior to us leaving the office, I</p> <p>13 happened to look at the patrol schedule to see who was</p> <p>14 working that day, and Officer Dylan happened to be in</p> <p>15 a two-man in that area of Twelve and Ryan.</p> <p>16 Q. How do you spell Dylan?</p> <p>17 A. D-y-l-a-n, Dylan.</p> <p>18 Q. Okay.</p> <p>19 A. And so since dispatch hadn't dispatched our run and</p> <p>20 the guy is almost about to get out, I asked Chisholm</p> <p>21 if he had Dylan's number. He physically called Dylan</p> <p>22 on the phone and asked him to come back us up, and</p> <p>23 Dylan agreed. Dylan goes over the air and</p> <p>24 specifically states, I'm in my route -- I'm on my way</p> <p>25 to Twelve and Ryan. And dispatch goes, where? Ten</p>



DESHEILA HOWLETT  
December 27, 2017

Page 133

1 and Ryan? Because they had another run over at Ten  
2 and Ryan. And he said, no, Twelve and Ryan.  
3 So they get there in the nick of time and  
4 it all inevitably worked out, but it's just the fact  
5 of how -- how is it that you're sending people to all  
6 these little things and we've got the biggest thing  
7 going right now and nobody is being dispatched to our  
8 aide. We shouldn't have to call on our personal cell  
9 phones to get help.  
10 Q. But you did receive help.  
11 A. Thanks -- yes.  
12 Q. Okay. So you told me about that scenario. What  
13 instances do you have where you were repeatedly --  
14 your words, repeatedly not provided backup?  
15 A. By the time she told me to slow down, after that point  
16 in time, I started making sure that I wasn't the first  
17 one out so that I wouldn't be alone, but there's times  
18 when detectives, who normally don't make runs, would  
19 show up just to make sure that I was okay because it's  
20 like crickets, radio silence. They know nobody is  
21 coming for me.  
22 Q. But detectives did show up for you.  
23 A. I know, but I'm talking about patrolmen.  
24 Q. Can you give me some of those instances? I'm trying  
25 to document, as I assume you would have documented

Page 135

1 Q. Do you need a break?  
2 Are there any witnesses that would say you  
3 were not backed up by police officers in the  
4 department?  
5 A. Debbie Broach. Derek Scott could possibly attest to  
6 some of the situations.  
7 Q. Is Derek Scott still employed as a police officer in  
8 Warren?  
9 A. Yes.  
10 Q. Okay. Debbie Broach, you indicated, retired?  
11 A. Yes. Matt Nichols was aware of a lot of the personnel  
12 issues with me and other people.  
13 Q. How so? Did you go speak to him?  
14 A. Yes.  
15 Q. And did you tell him that you did not want anything  
16 done?  
17 A. Yes. He was about to be promoted and I didn't want  
18 his promotion to be blocked.  
19 Q. Why would his promotion have been blocked?  
20 A. Because you're standing up for one person and you're  
21 going against the grain of everyone else.  
22 Q. So you told him at that time, don't do anything  
23 regarding my complaints or regarding these issues?  
24 Yes?  
25 A. Yes.

Page 134

1 when these instances happened. You would agree with  
2 me that there could be nothing more serious than if  
3 you feel your life is at risk because you're not being  
4 backed up. That would be something you would  
5 document; correct?  
6 A. You can't document and survive at the same time.  
7 Q. Okay. You value your life, do you not?  
8 A. Yes.  
9 Q. Did you value it enough to go complain to anyone, HR  
10 or any supervisor, that, hey, I'm not being backed up?  
11 A. I felt that it would make it worse for me.  
12 Q. So the answer is, no, you never complained?  
13 A. No, I didn't complain about it. I just changed how I  
14 did my job.  
15 Q. Didn't you think that if you felt your life was in  
16 danger, that is something worth going to HR or a  
17 supervisor over to complain about?  
18 MR. MUNGO: Objection, asked and answered.  
19 MR. ACHO: I agree, but I'm asking in a  
20 different way.  
21 MR. MUNGO: It's the same question,  
22 Counsel. Objection, asked and answered.  
23 You've got to answer.  
24 A. It would be worse for me if I spoke out.  
25 BY MR. ACHO:

Page 136

1 Q. All right. After he was promoted and -- what was he  
2 promoted to, lieutenant?  
3 A. Deputy chief.  
4 Q. Deputy chief. When was this?  
5 A. February or January. In January.  
6 Q. Of this year?  
7 A. Yes.  
8 Q. Okay. After he was promoted, did you tell him, okay,  
9 now that you've been promoted, can you do something  
10 about this?  
11 A. He wasn't promoted until after I left. It was, like,  
12 within a week later or so.  
13 Q. All right. At the time you spoke to him, Matt  
14 Nichols, prior to becoming deputy chief, he was a  
15 high-ranking command officer, though; correct?  
16 A. Yes.  
17 Q. But you still did not want him to do anything with  
18 what you had told him; correct?  
19 A. He told me that the mayor had chosen him for deputy  
20 chief but that nobody else in the building knew it, so  
21 he knew that his promotion was coming, so that was the  
22 context of the conversation. I said, well, you know,  
23 make sure you get your spot first, because I didn't  
24 want them to not give it to him.  
25 Q. You indicated that Matt Nichols had been a long time

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Pages 133 to 136

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 137</p> <p>1 friend; correct?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. So prior to January when he was a commanding officer</p> <p>4 for a number of years --</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. -- which he was; correct?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. You never told him to do anything with your issues.</p> <p>9 In fact, you didn't complain to him, did you?</p> <p>10 <b>A. I would call it conversation, venting my frustrations</b></p> <p>11 <b>about how things were going, and then he would tell</b></p> <p>12 <b>me, in response, how other officers would address him</b></p> <p>13 <b>due to the fact that we were associates.</b></p> <p>14 Q. But he still continued his communication with you;</p> <p>15 correct?</p> <p>16 <b>A. Until February, yes.</b></p> <p>17 Q. Because he wanted to see you do well in the</p> <p>18 department, both as a high-ranking command officer and</p> <p>19 as a friend; correct?</p> <p>20 <b>A. He even asked me to go to his class and speak to the</b></p> <p>21 <b>class about my unique position and the lack of</b></p> <p>22 <b>diversity in the police department.</b></p> <p>23 Q. Because Warren wanted to have black police officers;</p> <p>24 right?</p> <p>25 MR. MUNGO: Objection, assuming a fact not</p>	<p style="text-align: right;">Page 139</p> <p>1 What is it you believe Derek Scott would tell me?</p> <p>2 <b>A. About how he was treated and being associated with me</b></p> <p>3 <b>and --</b></p> <p>4 Q. I'm sorry, it's my fault. I should have been more</p> <p>5 specific. What is it you believe Derek Scott would</p> <p>6 tell me regarding specifically officers not backing</p> <p>7 you up based on race?</p> <p>8 MR. MUNGO: Objection, assuming facts not</p> <p>9 in evidence.</p> <p>10 BY MR. ACHO:</p> <p>11 Q. Let me go back. I asked you what witnesses could tell</p> <p>12 me or speak to officers not backing you up, and you</p> <p>13 said Debbie Broach and Derek Scott; correct?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. All right. You already told me what Debbie said.</p> <p>16 What is it -- if I were to depose Derek Scott, what do</p> <p>17 you believe Derek would tell me regarding that?</p> <p>18 <b>A. Different conversations about safety and us deciding</b></p> <p>19 <b>to work together whenever possible and his experience</b></p> <p>20 <b>in how I was treated or reacted to or things that were</b></p> <p>21 <b>stated, that there was a difference between me and</b></p> <p>22 <b>other people, other officers.</b></p> <p>23 Q. Okay. I asked you about complaints. I'm not</p> <p>24 referring to complaints with HR or a supervisor. You</p> <p>25 told me earlier, when you had a problem with, I</p>
<p style="text-align: right;">Page 138</p> <p>1 in evidence.</p> <p>2 BY MR. ACHO:</p> <p>3 Q. Well, they made it clear that they wanted you; yes?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Okay. And never at any time did you want Matt Nichols</p> <p>6 to do anything with what you discussed with him;</p> <p>7 correct?</p> <p>8 <b>A. I told Matt that I didn't want to burn a bridge.</b></p> <p>9 Q. All right. I know what you said about your</p> <p>10 interpretation about Debbie Broach's comments, but as</p> <p>11 we sit here, nobody in the department stated to you at</p> <p>12 any time that you weren't being backed up because of</p> <p>13 your race, did they?</p> <p>14 MR. MUNGO: Objection, asked and answered.</p> <p>15 <b>A. No.</b></p> <p>16 BY MR. ACHO:</p> <p>17 Q. Can you think of any other factors that contributed to</p> <p>18 slow response time for runs?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you know if any white officers have complained</p> <p>21 about slow response time from fellow officers?</p> <p>22 <b>A. No.</b></p> <p>23 Q. You've never heard that before?</p> <p>24 <b>A. No.</b></p> <p>25 Q. What is it you believe -- you told me Debbie Broach.</p>	<p style="text-align: right;">Page 140</p> <p>1 believe it was Barnhill, that you confronted him in</p> <p>2 front of a roomful of other officers; right?</p> <p>3 <b>A. No, that was Derek Scott.</b></p> <p>4 Q. Derek Scott, forgive me. But there have been times</p> <p>5 where, if you have an issue, you had no problem</p> <p>6 talking about that beef with an officer in front of</p> <p>7 other officers; correct?</p> <p>8 <b>A. It would probably be one time every hundredth time.</b></p> <p>9 Q. All right. Here's my question. Did you ever address</p> <p>10 fellow officers in a room and say, guys, I feel like</p> <p>11 I'm not being backed up and I feel like it's because</p> <p>12 of my race?</p> <p>13 <b>A. No.</b></p> <p>14 Q. And why not?</p> <p>15 <b>A. If every time you address something small or to an</b></p> <p>16 <b>individual you get backlash or you get shunned or not</b></p> <p>17 <b>talked to or not invited to lunch, and you're already</b></p> <p>18 <b>so isolated, why would you continue to poke the bear,</b></p> <p>19 <b>as they say?</b></p> <p>20 Q. Because you're saying your life could have been on the</p> <p>21 line. This isn't something small. This is --</p> <p>22 MR. MUNGO: Objection, Counsel,</p> <p>23 that's argumentative. And, Counsel, you've asked her</p> <p>24 that question more than -- more than three or four</p> <p>25 times.</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 141</p> <p>1 MR. ACHO: I'm clarifying for her.</p> <p>2 BY MR. ACHO:</p> <p>3 Q. This is not a small, isolated incident. This is a</p> <p>4 very -- arguably, no bigger deal that you could have</p> <p>5 encountered. I don't understand why you wouldn't have</p> <p>6 broached the subject with your fellow officers --</p> <p>7 MR. MUNGO: Objection.</p> <p>8 BY MR. ACHO:</p> <p>9 Q. -- if you really felt your life was in danger.</p> <p>10 MR. MUNGO: Counsel, first of all, that's</p> <p>11 argumentative. And secondly, she's asked and answered</p> <p>12 the question more than three or four times, and I'm</p> <p>13 about to tell her not to answer that anymore.</p> <p>14 MR. ACHO: You had this deposition</p> <p>15 videotaped. I didn't. There must be some reason, and</p> <p>16 your reasons are your own, but I'm going to approach</p> <p>17 this as if we are at trial, and so I'm going to ask</p> <p>18 her the questions.</p> <p>19 BY MR. ACHO:</p> <p>20 Q. Because I would want a jury to know, if you really</p> <p>21 felt your life was on the line, that officers aren't</p> <p>22 going to back you up, I would think virtually anyone</p> <p>23 would speak up and say something, but you didn't, and</p> <p>24 I'm trying to figure out why.</p> <p>25 MR. MUNGO: Counsel, that question --</p>	<p style="text-align: right;">Page 143</p> <p>1 Come on.</p> <p>2 MR. MUNGO: The award to me would be that</p> <p>3 you understand what the objection is.</p> <p>4 MR. ACHO: I get what you're saying --</p> <p>5 MR. MUNGO: I have to say more and more --</p> <p>6 MR. ACHO: -- but I have to approach</p> <p>7 this --</p> <p>8 MR. MUNGO: No, Counsel, I have to say more</p> <p>9 and more each time because you don't seem to be</p> <p>10 getting the objection.</p> <p>11 MR. ACHO: Okay. All right.</p> <p>12 MR. MUNGO: And my client -- my client has</p> <p>13 been under treatment for some while, and, you know,</p> <p>14 this is --</p> <p>15 MR. ACHO: Meaning what? Meaning what?</p> <p>16 MR. MUNGO: This is a difficult experience</p> <p>17 for her emotionally.</p> <p>18 MR. ACHO: I understand. But she has filed</p> <p>19 a very serious lawsuit making very serious</p> <p>20 allegations, so guess what? I have, you know, the</p> <p>21 opportunity to delve into it, and that's what I'm</p> <p>22 doing.</p> <p>23 MR. MUNGO: She has been very seriously</p> <p>24 violated. Counsel, you've got to ask questions --</p> <p>25 MR. ACHO: Seriously violated?</p>
<p style="text-align: right;">Page 142</p> <p>1 objection, asked and answered. Counsel, you've asked</p> <p>2 that question over and over. She's given you the same</p> <p>3 answer, and that answer has been over and over, that</p> <p>4 she's afraid to speak up because she's treated</p> <p>5 differently.</p> <p>6 Counsel, that's clearly on the record more</p> <p>7 than three or four times, and it's getting to the</p> <p>8 point where this is constituting harassment, and my</p> <p>9 client, as you can see, is having great difficulty</p> <p>10 answering questions that she's required to answer in</p> <p>11 accordance with the court rules and the rules of</p> <p>12 discovery, and to go beyond that pale, Counsel, is</p> <p>13 just not fair. It's not fair to my client.</p> <p>14 Now, if you've got a question that you</p> <p>15 haven't asked already, you know, please ask it, or any</p> <p>16 other question that's appropriate, but to continue to</p> <p>17 ask her why she hasn't made reports --</p> <p>18 MR. ACHO: Do you realize you're repeating</p> <p>19 yourself three or four times in your objection, which</p> <p>20 is now a soliloquy?</p> <p>21 MR. MUNGO: Well --</p> <p>22 MR. ACHO: Are you expecting a Tony award?</p> <p>23 I don't know what you're doing.</p> <p>24 MR. MUNGO: Well --</p> <p>25 MR. ACHO: Just state it and let's move.</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. MUNGO: Yeah, yeah. You have to ask</p> <p>2 questions, Counsel.</p> <p>3 MR. ACHO: All right.</p> <p>4 MR. MUNGO: And -- and, by the way,</p> <p>5 Counsel, you have asked her for her driver's license,</p> <p>6 and I believe that she has already provided that to</p> <p>7 you, but there is a copy right there, if you want</p> <p>8 to -- if you want it, before we forget.</p> <p>9 MR. ACHO: Okay.</p> <p>10 MR. MUNGO: You wanted to see her driver's</p> <p>11 license.</p> <p>12 MR. ACHO: I did. So let the record</p> <p>13 reflect the driver's license number is</p> <p>14 H XXX XXX XXX XXX. Thank you.</p> <p>15 BY MR. ACHO:</p> <p>16 Q. In your Complaint --</p> <p>17 MR. MUNGO: And by the way, I'm a little</p> <p>18 concerned about her driver's license number being put</p> <p>19 on that record there. Counsel, can you just make a</p> <p>20 note --</p> <p>21 Can you strike that, ma'am, from the</p> <p>22 record, her driver's license number?</p> <p>23 Counsel, can you just write it down in your</p> <p>24 notes --</p> <p>25 MR. ACHO: Sure.</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 145	Page 147
<p>1 MR. MUNGO: -- please?</p> <p>2 MR. ACHO: Will do.</p> <p>3 MR. MUNGO: Ma'am, did you strike that for</p> <p>4 the record? All right.</p> <p>5 BY MR. ACHO:</p> <p>6 Q. On page 8 of your Complaint, under section (M),</p> <p>7 subsection (M), "Plaintiff was repeatedly demeaned and</p> <p>8 disparaged by defendants' supervisors and white</p> <p>9 coworkers who suggested to her white partner that he</p> <p>10 should be concerned about his life being in danger</p> <p>11 because he had an African-American police officer as a</p> <p>12 partner due to the City of Warren Police Department's</p> <p>13 custom, policy and practice of not providing timely</p> <p>14 backup to plaintiff due to her race and gender."</p> <p>15 All right. So we have to go through this</p> <p>16 sort of piecemeal. It starts out that you were</p> <p>17 repeatedly demeaned and disparaged by defendants'</p> <p>18 supervisors and coworkers. Let's stop there.</p> <p>19 What supervisors repeatedly demeaned and</p> <p>20 disparaged you?</p> <p>21 A. I was told that I was used as an example in the</p> <p>22 promotion interviews when they asked how the</p> <p>23 candidates felt about affirmative action, and my</p> <p>24 supervisor called me in his office and was excited to</p> <p>25 tell me how he was able to use me as an example</p>	<p>1 Q. I don't know.</p> <p>2 A. Okay.</p> <p>3 Q. Who is the partner that should have been concerned</p> <p>4 about his life being in danger because he had you as a</p> <p>5 partner?</p> <p>6 A. Chisholm.</p> <p>7 Q. Chisholm. Like -- spelled like Shirley?</p> <p>8 A. Yeah.</p> <p>9 Q. What is Chisholm's first name?</p> <p>10 A. He's a detective, and I can't remember now.</p> <p>11 Q. Did he tell you he was afraid for his life?</p> <p>12 A. No, but he told me that he was asked if he was</p> <p>13 concerned about having to be my partner.</p> <p>14 Q. Did he say, having a female partner? Not because you</p> <p>15 were black, it's because you were female?</p> <p>16 A. No. My understanding was he was -- we used to work</p> <p>17 together on patrol, then I was promoted to detective.</p> <p>18 He was the next detective to come up. So the question</p> <p>19 that he kept getting asked is, man, how do you feel</p> <p>20 about having to go up there and work with Howlett?</p> <p>21 Just me specifically.</p> <p>22 Q. And that could have just been a personality thing, not</p> <p>23 because you're black; right?</p> <p>24 MR. MUNGO: Objection.</p> <p>25 A. I don't know.</p>
Page 146	Page 148
<p>1 because he's the only person in the department with a</p> <p>2 black employee, and he said that he told them that I</p> <p>3 was a -- she's even a hard worker, as if it's some</p> <p>4 type of anomaly and those two things don't go</p> <p>5 together, so...</p> <p>6 Q. Who is this supervisor?</p> <p>7 A. Sergeant Mills.</p> <p>8 Q. Sergeant Mills?</p> <p>9 A. Yes.</p> <p>10 Q. You said Sergeant Mills was excited to tell you.</p> <p>11 Wouldn't that suggest to you that he wasn't trying to</p> <p>12 demean or disparage you, that he was being</p> <p>13 complimentary?</p> <p>14 A. By saying that black people work hard?</p> <p>15 Q. I'm just asking you. You said he was excited.</p> <p>16 A. Again, I think that he was trying to compliment me,</p> <p>17 but it's not complimentary.</p> <p>18 Q. Because he's awkward and goofy because he doesn't know</p> <p>19 how to act around a black person probably; right?</p> <p>20 MR. MUNGO: Objection, assuming a fact not</p> <p>21 in evidence.</p> <p>22 A. He told me --</p> <p>23 BY MR. ACHO:</p> <p>24 Q. Isn't that what a lot of this is, is awkward --</p> <p>25 A. After ten years?</p>	<p>1 BY MR. ACHO:</p> <p>2 Q. You don't know. In fact, you were promoted to</p> <p>3 detective; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think the department, if they had this</p> <p>6 tremendous avarice against you, would have promoted</p> <p>7 you to detective?</p> <p>8 A. It's based on scores.</p> <p>9 Q. But they could have found a way to prevent promoting</p> <p>10 you if they wanted to, couldn't they?</p> <p>11 A. I'm not sure.</p> <p>12 Q. Who promoted you to detective?</p> <p>13 A. I would say the City as a collective.</p> <p>14 Q. But weren't you called in by one of your commanding</p> <p>15 officers and told, hey, you're being promoted to</p> <p>16 detective?</p> <p>17 A. I just remember being on a list and they just go by</p> <p>18 number, so... by the time they got to my number, I</p> <p>19 don't even think I was in town at that time.</p> <p>20 Q. Well, how did you find out that you were to show up in</p> <p>21 plain clothes and report to the detective's office?</p> <p>22 A. Somebody called me. I was out of town and they were</p> <p>23 going to have a promotion ceremony on a certain date</p> <p>24 and they were wondering if I would be back in time for</p> <p>25 that, but I don't remember who the call was from.</p>

DESHEILA HOWLETT  
December 27, 2017

Page 149

1 Q. Were you back in time?  
2 **A. Yes.**  
3 Q. So you were at the promotion ceremony and awarded at  
4 the promotion ceremony with your promotion to  
5 detective; correct?  
6 **A. Yes.**  
7 Q. And the police commissioner was there; correct?  
8 **A. Yes.**  
9 Q. All right. And the commanding officers were present;  
10 correct?  
11 **A. Yes.**  
12 Q. All of them white males; correct?  
13 **A. Yes.**  
14 Q. And all of them congratulated you, did they not?  
15 **A. Yes.**  
16 Q. Did you believe they were happy that you had been  
17 promoted?  
18 **A. I don't know.**  
19 Q. They expressed that to you, though; correct?  
20 **A. Yes.**  
21 Q. When Chisholm allegedly told you that people were  
22 telling him that he should be worried about having you  
23 as a partner, how did you respond to Chisholm?  
24 **A. Chisholm directly said, right after that, they don't**  
25 **even know that you and I used to work together, so he**

Page 151

1 Q. Okay. Did you ever talk with Houtos about your shared  
2 experiences at the Detroit P.D.?  
3 **A. We talked about -- he got promoted prior to me, so I**  
4 **would ask him a lot about techniques to study.**  
5 Q. Did you ever sort of swap war stories from Detroit?  
6 **A. I don't recall that.**  
7 Q. Okay. When did you work with Sergeant Houtos?  
8 **A. He was never my direct supervisor. He just came and**  
9 **specifically asked me this question.**  
10 Q. Did you ever work with him in investigations?  
11 **A. He was assigned out. We worked on two different**  
12 **sides.**  
13 Q. Okay. Was he ever your sergeant?  
14 **A. No.**  
15 Q. All right. This blue-black and red bone comment, do  
16 you know the context in which it came up?  
17 **A. He told me that his wife works with a lot of black**  
18 **people and they're using slang or saying certain**  
19 **terminology, and so they wanted clarification or a**  
20 **definition of those terms.**  
21 Q. Okay. Isn't it true that Houtos was working a case  
22 and the term "blue-black and red bone" came up in the  
23 context of a case he was investigating?  
24 **A. No.**  
25 Q. All right. Didn't -- a victim didn't describe a

Page 150

1 **already had a rapport, and then that was it.**  
2 Q. So Chisholm blew it off, in essence?  
3 **A. Yes.**  
4 Q. Did you ever hear within your earshot or did anyone  
5 ever say to you, hey, you're putting your partner's  
6 life in danger?  
7 **A. No.**  
8 Q. After Chisholm made that comment to you, you did not  
9 go to HR or any supervisor and report it, did you?  
10 **A. No.**  
11 Q. And again, you know the policies and procedures and  
12 code of conduct for the department; correct?  
13 **A. Yes.**  
14 Q. On page 10 of your Complaint, 13(q), that's  
15 "Sergeant Paul" -- is it pronounced Houtos?  
16 **A. Houtos?**  
17 Q. -- "Houtos asked plaintiff, what is up with this  
18 blue-black thing and is it similar to red bone."  
19 First of all, you knew Sergeant Paul Houtos  
20 because you both came from Detroit P.D.; correct?  
21 **A. I didn't know him from Detroit, but, yes, we both came**  
22 **from Detroit.**  
23 Q. But you didn't ever interact with him when you were in  
24 Detroit?  
25 **A. No.**

Page 152

1 suspect as blue-black and Houtos was asking your  
2 advice as to what that meant?  
3 **A. No.**  
4 Q. You would agree that Houtos was just asking for your  
5 help in this situation?  
6 **A. My help as a black person, yes.**  
7 Q. Yes. Because as a white person, he didn't know what  
8 blue-black meant; right?  
9 **A. Yes.**  
10 Q. You didn't have any reason to believe that Houtos was  
11 trying to insult you or demean you, did you?  
12 **A. I just know that we don't have conversation, and I**  
13 **don't want to be asked everything regarding a race of**  
14 **people. I'm not the source on that, you know.**  
15 Q. I get that you don't want to be the source or the  
16 token or any of those things, but couldn't it be that  
17 these people aren't trying to insult you or demean  
18 you, they just don't know any other way to ask and  
19 maybe it just comes off as awkward, but there's no  
20 real intent to be mean?  
21 **A. You can Google it.**  
22 MR. MUNGO: Objection, assuming a fact not  
23 in evidence.  
24 Go ahead, you can answer.  
25 **A. There's so many resources for information. You can**

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Pages 149 to 152



DESHEILA HOWLETT  
December 27, 2017

Page 153	Page 155
<p>1 <b>Google things, you know.</b></p> <p>2 BY MR. ACHO:</p> <p>3 Q. So Houtos asked you, what's this blue-black mean.</p> <p>4 What was your -- what was your response to him?</p> <p>5 <b>A. I told him it's about skin color.</b></p> <p>6 Q. Okay. And you weren't angry when you answered, were</p> <p>7 you?</p> <p>8 <b>A. Again, you don't express anger, discontent, anything.</b></p> <p>9 <b>You just get through each moment and you survive that</b></p> <p>10 <b>moment until the next thing.</b></p> <p>11 Q. Houtos had no reason to believe that you were angry or</p> <p>12 upset at him asking you, did he?</p> <p>13 <b>A. No.</b></p> <p>14 Q. All right. You didn't say to him, hey, Paul, you</p> <p>15 know, why are you asking me?</p> <p>16 <b>A. No.</b></p> <p>17 Q. You just answered; right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. So Houtos wouldn't have thought there was anything</p> <p>20 wrong; correct?</p> <p>21 <b>A. No.</b></p> <p>22 Q. And you never went to HR or any other supervisor and</p> <p>23 complained about Paul Houtos, did you?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Isn't it true that Houtos gave you helpful studying</p>	<p>1 or --</p> <p>2 THE WITNESS: Huh-uh.</p> <p>3 MR. ACHO: Well, you know what? Let's sort</p> <p>4 of --</p> <p>5 MS. RAE-O'DONNELL: Take a quick break.</p> <p>6 MR. ACHO: Yeah, and sort of --</p> <p>7 VIDEO TECHNICIAN: Off the record, 1:44.</p> <p>8 (Off the record at 1:44 p.m.)</p> <p>9 (Back on the record at 2:04 p.m.)</p> <p>10 VIDEO TECHNICIAN: Back on the record,</p> <p>11 2:04.</p> <p>12 BY MR. ACHO:</p> <p>13 Q. Ms. Howlett, in your Complaint on page 6, 13(g), you</p> <p>14 allege -- and these allegations are regarding Shawn</p> <p>15 Johnson -- you allege that when he was a sergeant,</p> <p>16 that he only allowed white officers to come into his</p> <p>17 office to use a color copier, and that he told you to</p> <p>18 go somewhere else to make color copies; is that</p> <p>19 correct?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Is that your only allegation against Shawn Johnson?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Isn't it true that you and Sergeant Johnson were in</p> <p>24 separate units?</p> <p>25 <b>A. Yes.</b></p>
Page 154	Page 156
<p>1 tips when you were preparing for the corporal exam?</p> <p>2 <b>A. He basically told me to not study like you do when</b></p> <p>3 <b>you're in college because this is not the same.</b></p> <p>4 Q. But he was trying to be helpful in his remarks to you;</p> <p>5 right?</p> <p>6 <b>A. Right.</b></p> <p>7 Q. And he came up to you and complimented you when you</p> <p>8 did well on the exam, didn't he?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Did Houtos ever discipline you in any way?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Have you told me all of your allegations against Paul</p> <p>13 Houtos?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. There's no other allegations against Houtos?</p> <p>16 <b>A. No.</b></p> <p>17 Q. He didn't make any other remarks to you that you</p> <p>18 believe were based on your protected status as a</p> <p>19 female or African-American, did he?</p> <p>20 <b>A. No.</b></p> <p>21 VIDEO TECHNICIAN: I have to switch tapes.</p> <p>22 MR. ACHO: Well, quick or --</p> <p>23 MR. MUNGO: Potty break.</p> <p>24 MR. ACHO: Yeah, yeah, we want to keep</p> <p>25 going. How do you feel? You need something to eat</p>	<p>1 Q. Isn't it true that you were not in the same special</p> <p>2 investigative unit with Sergeant Johnson?</p> <p>3 <b>A. True.</b></p> <p>4 Q. You were close to his unit, but you were not in the</p> <p>5 same office; correct? Yes?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. And it's true you had a color copier for your special</p> <p>8 unit; correct?</p> <p>9 <b>A. No.</b></p> <p>10 Q. You did not?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Where did that unit make color copies?</p> <p>13 <b>A. Family investigations was where I was assigned, and we</b></p> <p>14 <b>didn't have our own color copier.</b></p> <p>15 Q. At one point, you were using the color copier in</p> <p>16 Sergeant Johnson's; correct?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And he told you that the color copier was not for</p> <p>19 other units; correct?</p> <p>20 <b>A. No. He just asked if there was somewhere else that I</b></p> <p>21 <b>could go to make copies.</b></p> <p>22 Q. But didn't he tell you that his unit had private and</p> <p>23 confidential information that should not be shared</p> <p>24 with other units, and he didn't want anyone from other</p> <p>25 units coming in there?</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 157	Page 159
<p>1 <b>A. No.</b></p> <p>2 Q. He never told you that?</p> <p>3 <b>A. No.</b></p> <p>4 Q. Is it true that Sergeant Johnson could restrict which</p> <p>5 investigation units had access to the equipment for</p> <p>6 his unit?</p> <p>7 <b>A. Not to my knowledge. It was common practice for</b></p> <p>8 <b>people to go in there because you're on a floor with</b></p> <p>9 <b>only two copiers, so people would just use the two</b></p> <p>10 <b>copiers, the two color copiers.</b></p> <p>11 Q. All right. What facts or evidence do you have that</p> <p>12 Sergeant Johnson did not allow you to use the color</p> <p>13 copier from his unit because you are African-American?</p> <p>14 <b>A. The fact that all my coworkers who are white would go</b></p> <p>15 <b>in and didn't -- they were never asked not to use it,</b></p> <p>16 <b>and I am the only person that he asked to go elsewhere</b></p> <p>17 <b>to make my copies.</b></p> <p>18 Q. Okay. Did you go to HR or a supervisor and complain</p> <p>19 about this?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Are there any witnesses that would testify that they</p> <p>22 were all able to make color copies from that special</p> <p>23 unit and you were not?</p> <p>24 <b>A. They should all be able to testify that they were able</b></p> <p>25 <b>to use it.</b></p>	<p>1 VIDEO TECHNICIAN: Off the record.</p> <p>2 (Off the record at 2:09 p.m.)</p> <p>3 (Back on the record at 2:10 p.m.)</p> <p>4 VIDEO TECHNICIAN: Back on the record,</p> <p>5 2:10.</p> <p>6 BY MR. ACHO:</p> <p>7 Q. The allegations regarding Sergeant Johnson and the</p> <p>8 color copier, how long ago was this?</p> <p>9 <b>A. Within the last two years.</b></p> <p>10 Q. Okay. The allegations -- and I know we're stepping</p> <p>11 back, but regarding Paul Houtos, how long ago -- the</p> <p>12 blue-black, red bone comment, how long ago was that?</p> <p>13 <b>A. Same time frame, round about two to two-and-a-half</b></p> <p>14 <b>years.</b></p> <p>15 Q. Okay. So Paul Kelly and Dale Malesh, you indicate,</p> <p>16 would continuously approach you with extreme sexual</p> <p>17 overtones and asking you to go on dates; is that</p> <p>18 right?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Okay. When is the last time you ever worked with</p> <p>21 either Paul Kelly or Dale Malesh?</p> <p>22 <b>A. Because I was assigned to the jail and then promoted</b></p> <p>23 <b>to detective, I didn't work with them one on one, but</b></p> <p>24 <b>I would just see them in passing.</b></p> <p>25 Q. Okay. But you haven't seen them in years; correct?</p>
Page 158	Page 160
<p>1 Q. Okay. When Sergeant Johnson said to you, look, you</p> <p>2 can't use this color copier, what was your response to</p> <p>3 him?</p> <p>4 <b>A. I just stopped going in when he was there.</b></p> <p>5 Q. Did you say to him, hey, look, other officers from my</p> <p>6 unit are able to use this copier, why aren't I?</p> <p>7 <b>A. No.</b></p> <p>8 Q. Why not?</p> <p>9 <b>A. Never trying to be confrontational.</b></p> <p>10 Q. So you have no documented complaint as to this</p> <p>11 allegation?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Do you have any other allegations regarding Sergeant</p> <p>14 Johnson, any other comments he made to you based on</p> <p>15 race or sex?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Did Sergeant Johnson ever discipline you?</p> <p>18 <b>A. No.</b></p> <p>19 Q. 13 -- and these sort of bounce around -- (e), (n), (r)</p> <p>20 and (t), and it's just in that same -- most of your</p> <p>21 allegations are contained within 13, so I'm referring</p> <p>22 to Paul Kelly, Dale Malesh, Officer Dean. You</p> <p>23 indicate that Paul Kelly and Dale Malesh --</p> <p>24 MR. MUNGO: Excuse me just a minute. Let's</p> <p>25 go off the record.</p>	<p>1 <b>A. Well, Paul Kelly, yes, but not Dale Malesh, no.</b></p> <p>2 Q. Dale Malesh has not worked for the City of Warren</p> <p>3 Police Department in over six years; correct?</p> <p>4 <b>A. Well, what happened, he had a position where he wasn't</b></p> <p>5 <b>technically a Warren police officer anymore, but he</b></p> <p>6 <b>was assigned to the schools as a retired police</b></p> <p>7 <b>officer --</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. -- and that's when I would see him.</b></p> <p>10 Q. So when's the last time you have seen him?</p> <p>11 <b>A. It's probably been three -- three or so years, yeah.</b></p> <p>12 Q. Okay. And when's the last time you've had</p> <p>13 conversations with Paul Kelly?</p> <p>14 <b>A. I would just bump into Paul in the main office area of</b></p> <p>15 <b>the lobby of the police station or coming in and out</b></p> <p>16 <b>of dispatch. Just at different times, we would cross</b></p> <p>17 <b>paths.</b></p> <p>18 Q. You never were his partner?</p> <p>19 <b>A. We did answer runs together sometimes, but not</b></p> <p>20 <b>assigned to each other, no.</b></p> <p>21 Q. You worked in patrol with him?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. How long ago would have been the last time you worked</p> <p>24 patrol with Paul?</p> <p>25 <b>A. He actually was assigned to the traffic unit and they</b></p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 161</p> <p>1 <b>get assigned to patrol runs. They're, like, our</b> 2 <b>assist where they back us up.</b> 3 Q. Okay. So how long ago are we talking? 4 <b>A. I was detective for almost two years. I was in the</b> 5 <b>jail together before that, so it would have been while</b> 6 <b>I was still on patrol, so maybe four years ago.</b> 7 Q. Okay. Now, you said they approached you with, 8 "extreme sexual overtones." I need you to be 9 specific. What do you mean by that? 10 <b>A. Paul wanted to take me flying and asked me to go on</b> 11 <b>lunch dates or go out to the bar with him after work,</b> 12 <b>and then he alluded that if I didn't, that he might</b> 13 <b>not be as friendly or continue to show up to a lot of</b> 14 <b>my stuff like he had been doing in the past.</b> 15 Q. But what is sexual in asking you to go out to a local 16 bar or tavern as police officers often do? 17 <b>A. Well, no, he's married.</b> 18 Q. Okay. 19 <b>A. And he would be -- it's the tone of it and it's the</b> 20 <b>leaning into you -- you know when a person is trying</b> 21 <b>to address you in a different way that's not just</b> 22 <b>social.</b> 23 Q. Isn't it true that when Paul Kelly invited you out to 24 a local tavern, that there were other officers that 25 were going to be there?</p>	<p style="text-align: right;">Page 163</p> <p>1 <b>A. Stieber [ph].</b> 2 Q. Stieber. Did you send scantily clad photos of 3 yourself to Stieber? 4 <b>A. Stieber text me when I was on vacation. He asked me</b> 5 <b>what I was doing. I said, I'm sitting poolside, and</b> 6 <b>then he said, send me a picture, and I sent him a</b> 7 <b>picture of me poolside.</b> 8 Q. But did you also send him other photos? 9 <b>A. No.</b> 10 Q. That was just the one photo? 11 <b>A. Yeah.</b> 12 Q. Did you ever sext -- sexually text with him 13 explicitly? 14 <b>A. No.</b> 15 Q. Did you ever send photos of yourself to any other 16 officers? 17 <b>A. No.</b> 18 Q. Did you ever tell Paul Kelly that you wanted to sleep 19 with Stieber? 20 <b>A. No.</b> 21 Q. Did you tell other officers that? 22 <b>A. I do recall making a comment about we would make a</b> 23 <b>cute baby.</b> 24 Q. Besides that, though, did you ever say, if I was going 25 to blank a white guy, it would be him?</p>
<p style="text-align: right;">Page 162</p> <p>1 <b>A. He asked me more than one occasion, so maybe one time</b> 2 <b>there were going to be other people.</b> 3 Q. Did he ever ask you to go out one on one? 4 <b>A. Yes.</b> 5 Q. Did he ever say anything to you sexual? 6 <b>A. He talked in a sly manner, like with sexual overtones.</b> 7 Q. I guess you have to educate me because I don't -- I 8 don't understand. 9 <b>A. Well, like, there's one employee there that's half</b> 10 <b>Asian and he's like, I'd like to put my other half in</b> 11 <b>her. So it would be those kind of comments, you know.</b> 12 Q. He said that about her? 13 <b>A. Right.</b> 14 Q. But has he said anything like that to you? 15 <b>A. Again, the repeated asking me to go out, and then</b> 16 <b>letting me know that he was gonna stop helping me if I</b> 17 <b>didn't go out with him.</b> 18 Q. So when he asked you to go out, what was your 19 response? 20 <b>A. I would always just say no or that I was busy or had</b> 21 <b>other plans.</b> 22 Q. Do you know an officer that they used to refer to by 23 the name of Junior? 24 <b>A. Yes.</b> 25 Q. Okay. What's his name?</p>	<p style="text-align: right;">Page 164</p> <p>1 <b>A. No.</b> 2 Q. Did you ever complain to HR or anyone else about Paul 3 Kelly inviting you out? 4 <b>A. No.</b> 5 Q. What comments did Malesh make to you? 6 <b>A. Malesh wanted me to come to the school and have</b> 7 <b>lunches with him at the school property, told me he</b> 8 <b>would buy the lunches if I would just show up from</b> 9 <b>time to time to come eat with him.</b> 10 Q. How is that sexual? 11 <b>A. He is just --</b> 12 MR. ACHO: You're writing really large. I 13 hope you're not -- you're not doing what I think 14 you're doing. 15 MR. MUNGO: Now you're -- now you're being 16 nosey. 17 MR. ACHO: I'm being nosey because it's my 18 dep. I hope you're not doing what I think you're 19 doing. 20 MR. MUNGO: Well, oh, oh, oh, oh, no, no, 21 no, no, no, no, no. 22 MR. ACHO: I've never saw somebody write 23 with eight-inch font. 24 MR. MUNGO: No, no, no. Oh, no, I just -- 25 MR. ACHO: All right.</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 165

1 MR. MUNGO: You really --  
2 MR. ACHO: I'm paranoid, man. I'm a  
3 lawyer. I stay jaded.  
4 MR. MUNGO: That's okay.  
5 BY MR. ACHO:  
6 Q. What --  
7 MR. MUNGO: Go right ahead, Counsel.  
8 BY MR. ACHO:  
9 Q. What about asking you to come to a school and have  
10 lunch at a school in a public setting is sexual?  
11 **A. He also asked me to go out after duty, when we're not**  
12 **working. He always wanted me to stop by the office.**  
13 Q. Let me stop you there real quick. Isn't it true that  
14 officers at Warren Police Department and other police  
15 departments go out for a beer after or go to happy  
16 hours --  
17 MR. MUNGO: Objection, assuming --  
18 BY MR. ACHO:  
19 Q. -- as you know?  
20 MR. MUNGO: Objection, assuming a fact not  
21 in evidence.  
22 BY MR. ACHO:  
23 Q. **Based on your experience, don't officers fraternize?**  
24 **A. Some officers fraternize and some officers date each**  
25 **other, yes.**

Page 167

1 **A. No.**  
2 Q. **On page 10, 13(r), you reference an Officer Dean.**  
3 **Who's Officer Dean?**  
4 **A. Dean Toward.**  
5 Q. So Dean is his first name?  
6 **A. Yes.**  
7 Q. How is Toward spell?  
8 **A. T-o-w-a-r-d.**  
9 Q. And is Dean Toward still employed with the City of  
10 Warren, as you know?  
11 **A. Not anymore.**  
12 Q. Where is he at?  
13 **A. I don't know.**  
14 Q. Do you know the circumstances by which he left Warren?  
15 **A. I think it was a lawsuit.**  
16 Q. He sued Warren?  
17 **A. Yes.**  
18 Q. Do you know what the basis of the lawsuit was?  
19 **A. Something about a whistleblower kind of thing. I**  
20 **don't know all the details.**  
21 Q. You assert that Officer Dean Toward asked you your  
22 level of education so he would know how to speak to  
23 you.  
24 **A. Yes.**  
25 Q. When was this comment allegedly made?

Page 166

1 Q. **All right. So if officers ask you to come out to a**  
2 **bar for happy hour, there's nothing sexual in that.**  
3 **A. When we go as a group, no.**  
4 Q. Isn't it fair to say that you complained about being  
5 shunned, but then when certain officers would go out  
6 of their way to make you feel included, you would  
7 rebuff their attempts?  
8 **A. No, because it's in a sexual manner. I can't be your**  
9 **friend unless we're having sex? That's the**  
10 **difference.**  
11 Q. Did anyone ever say that to you?  
12 **A. That's what I'm telling you the difference is, though,**  
13 **of when I'm being asked out versus when I'm not being**  
14 **talked to at all.**  
15 Q. So that's your interpretation of their comments, is  
16 that it was sexual.  
17 **A. It's my experience.**  
18 Q. But it's your interpretation.  
19 **A. It's my experience.**  
20 Q. I understand. But since there is no sexual words  
21 made, sexual references, you're interpreting their  
22 overtures as sexual.  
23 **A. Yes.**  
24 Q. Did you ever complain to HR or anyone else regarding  
25 **Maresh?**

Page 168

1 **A. It was early on in my career, after I was out of the**  
2 **FTO program and whenever I got assigned to the same**  
3 **shift as him, which would have been day shift.**  
4 Q. So it could have been seven, eight years ago?  
5 **A. Yeah.**  
6 Q. Where were these comments allegedly made?  
7 **A. We were on the street.**  
8 Q. Were you working?  
9 **A. Yes.**  
10 Q. Were there any witnesses to this comment?  
11 **A. No.**  
12 Q. Do you know for certain that that comment was based on  
13 your race or sex?  
14 **A. Well, I've heard him say it other times, and he's**  
15 **generally talking to black people or people who live**  
16 **on the south end of Warren. They get treated quite**  
17 **differently, to say the least.**  
18 Q. Differently by whom, Dean Toward or other officers?  
19 **A. Dean Toward and other officers.**  
20 Q. You believe that other officers treat people on the  
21 south side of Warren differently, is what you're  
22 saying?  
23 **A. Yes.**  
24 Q. In what way?  
25 **A. Just disrespectful, whether cussing or talking to them**

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Pages 165 to 168

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 169</p> <p>1 in a demeaning way as if they're less educated or 2 maybe they don't pay as many taxes. Or a lot of them 3 are renters, so they'll say stuff like you need to go 4 back south of Eight Mile, and, you know, just -- 5 Q. Have you heard officers tell people you need to go 6 back south of Eight Mile? 7 A. Over at my time there, yes. 8 Q. And did you speak out? 9 A. No. 10 Q. Did you ever complain? 11 A. No. 12 Q. When Officer Dean allegedly made that comment, did you 13 go to HR or anyone else and complain? 14 A. No. 15 Q. How long has Officer Toward been gone from Warren, if 16 you know? 17 A. I'm not sure what his exact date was that he left. I 18 don't know. 19 Q. 13(t), which is right under there, you said, 20 "Plaintiff's white male coworker openly and repeatedly 21 used and said 'nigger' in front of plaintiff and in 22 the presence of other white officers." 23 You see that? 24 A. Yes. 25 Q. Who is this white coworker?</p>	<p style="text-align: right;">Page 171</p> <p>1 wrote down; correct? 2 A. Well, if you were there, you would know he's looking 3 at me, trying to get a response, egging me on, and 4 then he follows me to the next scene and continues 5 with the badgering, you know. 6 MR. MUNGO: What badgering? 7 BY MR. ACHO: 8 Q. I don't know exactly what badgering you mean. 9 A. He's saying -- I'm arresting a black person -- what 10 are you trying to do, single-handedly take down all 11 blacks or gays, right after the N word. 12 Q. Give me the context in which that comment was made. 13 What do you single-handedly try -- what do you mean? 14 A. I -- 15 MR. MUNGO: Don't talk in code. Tell 16 him -- just spell it out. 17 BY MR. ACHO: 18 Q. Right. I mean, I don't -- I don't know the context. 19 MR. MUNGO: Spell it out. 20 BY MR. ACHO: 21 Q. That's a whole different comment, now, that I'm not 22 aware of. Where were you when Jason Booms said, are 23 you trying to take down all gays? 24 A. We were at a run. 25 Q. Approximately when? Five years ago? Two years ago?</p>
<p style="text-align: right;">Page 170</p> <p>1 A. Jason Booms. 2 Q. Jason Booms. And when did this occur and how many 3 times? 4 A. It was back when I was still on patrol again before I 5 went to the jail. We were at different runs together, 6 and, like, if someone wrote it on a piece of paper the 7 other officers would say, and the N word, but Jason 8 would always say the full blast of it, you know. 9 Q. So they would actually write the N word in the report? 10 A. No. Like, say you get to somebody's house and that 11 person has written it on a piece of paper. So the 12 other officers would say, the N word, and then Jason 13 would get it and just read it and say it full on, you 14 know. 15 Q. I don't really know. What -- who -- why would it be 16 written on paper? I don't follow. 17 A. I don't know why the person wrote it on a piece of 18 paper. 19 Q. What person, the officer? 20 A. No. It would have been a citizen's house that we were 21 at. It might be on paper at the citizen's house. 22 Q. And they would write it on paper, and so he would just 23 repeat what they said. 24 A. Yes. 25 Q. Well, that's -- that's just him reading what a citizen</p>	<p style="text-align: right;">Page 172</p> <p>1 Seven years ago? 2 MR. MUNGO: If you recall. 3 A. I don't recall exactly when, but the black person that 4 I was arresting had a warrant for their arrest. 5 BY MR. ACHO: 6 Q. Okay. 7 A. And this is the run right after he was saying the 8 N word stuff. Okay? 9 Q. Okay. 10 A. This is the very next run and then he says, oh, look 11 at you now, trying to single-handedly take down blacks 12 and gays. So -- 13 Q. Well -- 14 A. -- the two things back to back. And of course I 15 didn't say anything. 16 Q. Was one of the people gay? Where did that -- 17 A. The guy had very feminine characteristics. 18 Q. Fair to say he was joking with you, Jason Booms? 19 A. I have -- no. 20 Q. Did you have the type of relationship with him where 21 you would joke back and forth? 22 A. No. 23 Q. When is the last time you worked with Jason Booms? 24 A. A very long time. 25 Q. Years?</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 173</p> <p>1 A. Yes.</p> <p>2 Q. More than three years?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever go to HR or any supervisor and complain</p> <p>5 about Jason Booms' comments?</p> <p>6 A. No.</p> <p>7 Q. Barbara Beyer. Barbara Beyer is no longer a defendant</p> <p>8 in this lawsuit; is that correct?</p> <p>9 MR. MUNGO: That's correct.</p> <p>10 BY MR. ACHO:</p> <p>11 Q. Okay. Do you know why that is?</p> <p>12 A. No.</p> <p>13 Q. You initially sued her; correct?</p> <p>14 A. She was named as a defendant, yes.</p> <p>15 Q. Right. And why did you name Barbara Beyer as a</p> <p>16 defendant?</p> <p>17 A. Because she was screaming, that nigger, that nigger,</p> <p>18 at me.</p> <p>19 Q. At you, or out loud within your earshot?</p> <p>20 A. Out loud within my earshot.</p> <p>21 Q. All right. Can you tell me the context of that</p> <p>22 situation, why the woman used that word?</p> <p>23 A. I was going around the corner to ask her a question.</p> <p>24 I had come back from vacation and I couldn't find</p> <p>25 certain documents, so I didn't know if they ever log</p>	<p style="text-align: right;">Page 175</p> <p>1 A. She was talking about another black man, though.</p> <p>2 Q. Okay.</p> <p>3 A. Appropriate?</p> <p>4 Q. I'm going to ask you the questions.</p> <p>5 A. Okay. Go ahead.</p> <p>6 Q. You guys were friends. Did you have lunch together?</p> <p>7 A. Uh-huh, yes.</p> <p>8 Q. Did you make a complaint to HR or anyone else about</p> <p>9 Barb Beyer?</p> <p>10 A. I talked to Sergeant Mills and Matt Nichols about it.</p> <p>11 Q. Okay. And was a complaint lodged? There was a formal</p> <p>12 complaint against Barb Beyer; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Who is no longer a defendant in this case; correct?</p> <p>15 A. Based on you telling me that today, yes.</p> <p>16 Q. Based on your attorney confirming that she is not;</p> <p>17 correct?</p> <p>18 A. Okay. Yes.</p> <p>19 Q. But you don't know why she is not.</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you know what happened to Ms. Beyer as a</p> <p>22 result of the complaint?</p> <p>23 A. No.</p> <p>24 Q. Do you know that she was given discipline action?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 174</p> <p>1 things or do they just randomly place them on a desk.</p> <p>2 So when I turned the corner, she looked at me and she</p> <p>3 started screaming, that nigger, that nigger.</p> <p>4 So being in police mode, I decide to look</p> <p>5 out the glass because I'm assuming there's some type</p> <p>6 of threat or something that needs to be addressed. I</p> <p>7 look out the glass and there's no one standing there.</p> <p>8 Her office, besides it being encased in glass, there's</p> <p>9 a glass door. I look out of the glass door, there's</p> <p>10 nobody in the hallway. So whatever she's talking</p> <p>11 about is not current for her level of agitation or</p> <p>12 whatever you want to call it.</p> <p>13 So when she screams out, that nigger, that</p> <p>14 nigger would have killed me if the glass wasn't there,</p> <p>15 it threw me, so I kind of fell back. She grabbed a</p> <p>16 hold of my arm so I don't, like, fall all the way</p> <p>17 back, and then she goes, I didn't mean you, not you.</p> <p>18 I was going to tell you the story anyway.</p> <p>19 Q. And did she tell you the story?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. Because you and Barb Beyer were friends; right?</p> <p>22 A. I thought. We were friendly. We would bring each</p> <p>23 other lunch sometimes and go out.</p> <p>24 Q. Right. So she wasn't using that word against you, was</p> <p>25 she?</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. You've never been told that?</p> <p>2 A. No.</p> <p>3 Q. If she was, in fact, handed disciplinary action, you</p> <p>4 would agree that would be the right approach for the</p> <p>5 City of Warren Police Department to take for her using</p> <p>6 those epithets.</p> <p>7 A. Yes.</p> <p>8 Q. 13(f), you discuss Officer Roland Bell. You know</p> <p>9 Officer Roland Bell?</p> <p>10 A. Yes.</p> <p>11 Q. You make allegations that, "He asked plaintiff why she</p> <p>12 was walking gingerly after having a fibroid removed,</p> <p>13 and when plaintiff explained to her" -- "when</p> <p>14 plaintiff" -- strike that, let me start over.</p> <p>15 "Roland Bell, white male, asked plaintiff</p> <p>16 why she was walking gingerly after having a fibroid</p> <p>17 removed, and when plaintiff explained, he told her,</p> <p>18 'no, it's because of all that big, black dick in</p> <p>19 you.'"</p> <p>20 Do you see that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Did he make that comment?</p> <p>23 A. Yes.</p> <p>24 Q. And he made that to you in a total joking fashion, did</p> <p>25 he not?</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 177

1 **A. No.**  
2 Q. You and Roland Bell would joke with each other; right?  
3 **A. Roland Bell would bring me diapers for my Goddaughter.**  
4 Q. Right. For -- in fact, he brought you diapers and  
5 formula when he thought you were adopting that child,  
6 did he not?  
7 **A. Yes, and I also gave him money when his son died.**  
8 Q. Five to ten times, though, he and his wife brought you  
9 diapers and formula, did they not?  
10 **A. Yes.**  
11 Q. And Roland Bell coaches an all-black football team,  
12 doesn't he?  
13 **A. Yes.**  
14 Q. So this isn't like a white guy that dislikes black  
15 people, is it?  
16 **A. It comes from the people that are closest to you. The**  
17 **people who you talk to are the ones that are doing**  
18 **these things.**  
19 Q. But he was joking around with you, wasn't he?  
20 MR. MUNGO: Objection, assumes a fact not  
21 in evidence.  
22 BY MR. ACHO:  
23 Q. Let me ask you this: This guy brings diapers and  
24 formula to your house five to ten times.  
25 **A. Not to my house, but...**

Page 179

1 just driving at, he was just joking with you, wasn't  
2 he?  
3 **A. Okay.**  
4 MR. MUNGO: You -- you -- you --  
5 **A. I said --**  
6 MR. MUNGO: He's asking you a question.  
7 You have to answer.  
8 **A. I said that I was offended and I said that it wasn't a**  
9 **joke to me.**  
10 BY MR. ACHO:  
11 Q. All right. Did you say, Roland, I'm offended by that?  
12 **A. No.**  
13 Q. If you had such a relationship with him, why wouldn't  
14 you have said that to him if you were, in fact,  
15 offended?  
16 **A. I had become in habit of being offended and not**  
17 **addressing it all the time, just allowing things to**  
18 **kind of roll off so that I wouldn't hinder the few,**  
19 **you know, occasions that I had to talk with certain**  
20 **people.**  
21 Q. Was anyone else present when Bell allegedly made that  
22 comment?  
23 **A. No.**  
24 Q. Isn't it true that after that comment, you and Bell  
25 continued on to be friends and joke with each other?

Page 178

1 Q. I'm sorry, to you. Because the understanding in the  
2 department was that you were adopting a child. Do you  
3 believe that his comment to you was anything other  
4 than a joke?  
5 **A. First and foremost, working in the jail, I needed the**  
6 **guys to know that I wasn't fully fit, that I was**  
7 **hurting that day, so I let them know that I had had**  
8 **the procedure done to make sure that they are extra**  
9 **aware and pay attention to me on the floor for that**  
10 **day.**  
11 **So in saying that, it's a personal female**  
12 **thing, but if I'm not walking fully brisk and all of**  
13 **that, so then just leave it at that. Why do I have to**  
14 **be getting banged up by a big, black dick to be**  
15 **walking tenderly when I just told you I just had a**  
16 **medical procedure.**  
17 Q. Because he was making a joke, wasn't he?  
18 **A. Okay.**  
19 Q. Didn't you and Bell used to joke with each other all  
20 the time?  
21 **A. Not in an offensive manner.**  
22 Q. Didn't you and Bell used to joke with each other all  
23 the time?  
24 **A. We had a casual relationship.**  
25 Q. So you may have interpreted it as offensive, but I'm

Page 180

1 **A. Yes.**  
2 Q. And he brought you diapers and formula after that.  
3 **A. Yes.**  
4 Q. And you never complained to HR or anyone else about  
5 this alleged comment from Roland Bell; correct?  
6 **A. No.**  
7 Q. He's a good guy, you would agree?  
8 **A. He has his problems, but he's fine.**  
9 Q. 13(h), "Defendant Arthur Gill, white male, former  
10 sergeant, removed plaintiff from her day shift in  
11 favor of a similarly situated white female officer,  
12 despite the fact that the white female officer had  
13 less seniority than plaintiff who was entitled to fill  
14 that position based upon her higher seniority."  
15 Now, you say Defendant Arthur Gill is a  
16 former sergeant. Was he removed as a sergeant or is  
17 he retired? Do you know?  
18 **A. I don't know his status, if he fired or quit or**  
19 **retired, but he's just not there at this time.**  
20 Q. Okay. And how long ago did Arthur Gill leave the  
21 Warren Police Department?  
22 **A. It's been a couple of years.**  
23 Q. Okay. This specific allegation, can you tell me about  
24 this incident?  
25 **A. That's when I was hit by the drunk driver.**

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Pages 177 to 180

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 181</p> <p>1 Q. In 2011?</p> <p>2 <b>A. 5-5 of 2011, Cinco de Mayo, and then I ended up being</b></p> <p>3 <b>off for the four months, and when I came back, I got</b></p> <p>4 <b>put on midnight shift, but Krystal Gill, who used to</b></p> <p>5 <b>be Krystal Gogo, his wife, who has a year less</b></p> <p>6 <b>seniority than me, was allowed to have the day shift</b></p> <p>7 <b>position.</b></p> <p>8 Q. Could it have been simply a case of nepotism and not</p> <p>9 anything to do with race?</p> <p>10 MR. MUNGO: Objection, assuming facts not</p> <p>11 in evidence.</p> <p>12 <b>A. I'm not sure.</b></p> <p>13 BY MR. ACHO:</p> <p>14 Q. Do you have any evidence that Gill made that shift</p> <p>15 change because of your sex or race?</p> <p>16 <b>A. No. I just know that after I was put on the night</b></p> <p>17 <b>shift I got hit by a drunk driver, and I would never</b></p> <p>18 <b>have been on my way to work if I wasn't bumped off my</b></p> <p>19 <b>proper shift.</b></p> <p>20 Q. So did you complain to Art Gill about that?</p> <p>21 <b>A. No, I talked to Mike Sauger.</b></p> <p>22 Q. Sauger, S-a-u-g-e-r?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And who is Mike Sauger?</p> <p>25 <b>A. Union president.</b></p>	<p style="text-align: right;">Page 183</p> <p>1 Q. It was a magnanimous thing for them to do?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. It was a generous thing for them to do?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And it's because they knew that you were dealing with</p> <p>6 this situation with this child.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Do you know whose call that was?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Did you ever thank anyone for that?</p> <p>11 <b>A. I don't recall.</b></p> <p>12 Q. Dawn McLane is listed in your Complaint as a</p> <p>13 defendant. There are no specific allegations in the</p> <p>14 Complaint as to Dawn McLane, but I see her listed</p> <p>15 individually. Can you tell me what your specific</p> <p>16 allegations are against Dawn McLane?</p> <p>17 <b>A. That was just the first time that I had talked to</b></p> <p>18 <b>Mr. Simlar in regards to hostile work environment.</b></p> <p>19 Q. Okay. Can you give me a little more? Because I still</p> <p>20 don't know what --</p> <p>21 <b>A. That was the situation with the man with the gun run</b></p> <p>22 <b>where she didn't give me any information and I made</b></p> <p>23 <b>the complaint.</b></p> <p>24 Q. Okay. But that wasn't necessarily based on race, you</p> <p>25 said.</p>
<p style="text-align: right;">Page 182</p> <p>1 Q. And what did Mike Sauger say?</p> <p>2 <b>A. That, basically, even though the language states that</b></p> <p>3 <b>we're carried to and from, that there was really</b></p> <p>4 <b>nothing he could do for me at the time because the</b></p> <p>5 <b>City -- we didn't have a contract with the City at</b></p> <p>6 <b>that time, so he really didn't want to, like, go to</b></p> <p>7 <b>them and bother them in my defense.</b></p> <p>8 Q. How long were you on that shift?</p> <p>9 <b>A. Before I got hit, probably about two or three weeks.</b></p> <p>10 Q. Okay. Did you ever complain to HR or any supervisor</p> <p>11 about the shift change?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Okay. Speaking of shifts, around the time that you</p> <p>14 were or the City thought that you were going to adopt</p> <p>15 a child, didn't command officers reduce your workload</p> <p>16 and your shift time to allow you to spend more time</p> <p>17 with the child?</p> <p>18 <b>A. Reduce my workload?</b></p> <p>19 Q. Or adjust your shift time to allow you to spend more</p> <p>20 time with the child.</p> <p>21 <b>A. My times of coming and going may have been different,</b></p> <p>22 <b>but it still was an eight-hour shift.</b></p> <p>23 Q. Okay. But they adjusted your going and coming time as</p> <p>24 an accommodation to you; correct?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 184</p> <p>1 <b>A. I was asked if I thought it was based on race, and I</b></p> <p>2 <b>said at the time that, no, I didn't.</b></p> <p>3 Q. Okay. So is there any other reason Ms. McLane is</p> <p>4 listed here as a defendant?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Speaking of Mr. Simlar, he has always been pleasant to</p> <p>7 deal with, has he not?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. And has always been willing to do the right thing on</p> <p>10 behalf of the City and the department; correct?</p> <p>11 <b>A. From my experience. I have met him twice, so yes.</b></p> <p>12 Q. Okay. But both times, he asked you if you wanted</p> <p>13 things done; correct?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And both times you told him you did not; correct?</p> <p>16 <b>A. In a crying, fearful manner, yes.</b></p> <p>17 Q. Okay. And who were you afraid of?</p> <p>18 <b>A. Retribution.</b></p> <p>19 Q. Do you remember a time when Mr. Simlar set up an</p> <p>20 appointment for you with a psychologist and you did</p> <p>21 not show up?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay. Why didn't you show up?</p> <p>24 <b>A. The psychiatrist that he had call me, or psychologist,</b></p> <p>25 <b>she was talking to me over the phone, and she said</b></p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 185</p> <p>1 that she couldn't meet with me in person due to the 2 fact that she's, basically, hired by the City, and she 3 could tell that I needed to talk to someone and I 4 needed help, but she didn't want to have to document 5 that help if she had met me in person. 6 So what she wanted to do, she said, because 7 she does backgrounds for new hires, for new police 8 officers, she wanted to kind of manage the case but 9 then not meet me individually, so she wanted to refer 10 me to someone else to go to speak -- talk to or 11 whatever. 12 So in the process of those couple of days 13 of her calling all those different times, I ended up 14 getting physically sick and I couldn't attend to her 15 calls, and I told her that I was sick and that 16 somebody was coming to check on me, and then she, 17 basically, stated that if I didn't call her back 18 within a 15-minute span of time, she was going to send 19 the Warren police to my house, and so I -- 20 Q. Because she was concerned for you. 21 A. Even though -- 22 MR. MUNGO: Objection, assuming a fact not 23 in evidence. 24 BY MR. ACHO: 25 Q. Okay. Well, she wasn't going to send them for a</p>	<p style="text-align: right;">Page 187</p> <p>1 A. Maybe 2011. 2 Q. Okay. 13(o), on page 8 in your Complaint, you make 3 very specific allegations against Detective Shawn 4 Johnson; correct? 5 A. Yes. 6 Q. When's the first time you worked with Shawn Johnson, 7 if you know? 8 A. He was one of my FTOs in the beginning when I got 9 hired on. 10 Q. Okay. Post-FTO, when did you work with him 11 professionally where you were colleagues? 12 A. Whenever I was assigned to the midnight shift. 13 Q. Okay. After your promotion into the detective bureau 14 special victims unit, did you work with Johnson? 15 A. Yes. 16 Q. And what were your job duties there? 17 A. He was pretty much supposed to show me the ins and 18 outs, like a training officer, to speak. 19 Q. You say that he did the following things: That he 20 "sniffed you in a sexually suggestive manner;" that he 21 "rubbed his hands through your hair and suggested to 22 you in no uncertain terms that he was the white slave 23 master and you were the slave mistress subject to his 24 sexual whims and desires." Is that true? 25 A. Yes.</p>
<p style="text-align: right;">Page 186</p> <p>1 crime, was she? 2 A. Well, I told her I didn't need assistance. 3 Q. But they were worried about you; correct? 4 MR. MUNGO: Objection, assuming a fact not 5 in evidence. 6 BY MR. ACHO: 7 Q. Do you believe that they were worried about you? 8 A. That she -- we're speaking of her. 9 Q. And Mark Simlar. 10 A. Yes, he was very concerned for me. 11 Q. And Commissioner Green? Do you remember a meeting 12 with Mark Simlar, Commissioner Green and Deputy Chief 13 Gallasso where they were all present? 14 A. Asking me if I was being treated a certain kind of 15 way? 16 Q. Yes. 17 A. Yes. 18 Q. And they all expressed concern and they wanted to make 19 sure that you were being treated fairly; correct? 20 MR. MUNGO: Objection, assuming a fact not 21 in evidence. 22 BY MR. ACHO: 23 Q. Correct? 24 A. Yes. 25 Q. All right. When was this meeting, approximately?</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. Okay. You and Johnson had a playful relationship, 2 didn't you? 3 A. We had good conversation and we would talk, yes. 4 Q. Did you think that he did those things that I just 5 mentioned to be cruel or demeaning, or he was just 6 playing with you? 7 A. It was very sexual in nature, the way he was doing it, 8 and I didn't -- 9 Q. You -- but wouldn't you sexually banter back and 10 forth? 11 A. No. 12 Q. Comparing you to the gorilla on the label of Gorilla 13 Glue, did that happen? 14 A. Yes. 15 Q. Did you make comments to him back about being a 16 cracker? I mean, wouldn't you guys sort of bust each 17 other's chops that way? 18 A. No. Actually, I had to educate him on black people 19 being compared to apes, monkeys, chimpanzees and why 20 it would be so offensive to us, and the fact that 21 during the renaissance, you know, the white women 22 would start to go to the jazz clubs and stuff and the 23 men didn't want them to have sex with those black 24 people, so they used to say that, after dusk dark, 25 tails drop out of our butts. So I thought if I gave</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 189</p> <p>1 him a historical reference, he would understand why 2 it's not okay. 3 Q. Okay. And what was his response to that? 4 A. I don't recall him saying anything. The whole office 5 got quiet because it was -- it was a bit much. 6 Q. But everybody listened to what you had to say; right? 7 A. Yeah. 8 Q. You felt respected at that time? 9 A. No. 10 Q. It says he, "Continually subjected you to racially 11 discriminatory comments by characterizing your style 12 of dress as a black thang, mocking you in a 13 stereotypical African-American accent, inquiring why 14 do you-all name your kids ghetto names like Honey 15 Brown and Destiny, physically spelling out Destiny 16 incorrectly, and asking why do black people move to 17 Atlanta, is it because you don't like living around 18 white people?" 19 All of those things I just mentioned are 20 things he said; correct? 21 A. Yes. 22 Q. Were they also said in a joking tone? 23 A. No. 24 Q. You don't think he was joking? 25 A. No.</p>	<p style="text-align: right;">Page 191</p> <p>1 Department, if you know? 2 A. Within the last few years. I don't know exactly. 3 Q. And did you used to confide in her? 4 A. Sometimes. 5 Q. She's a white woman, I take it? 6 A. Yes. 7 Q. Okay. How was it that Miller brought this complaint 8 to Warren's attention and not you? 9 A. We were at the retirement party, I was paying my 10 respects, and she just touched me and she said, how 11 are things going? And I just kind of started to cry 12 and tell her about all the things, and then I left. 13 And then I was contacted by, I believe, Sergeant Eidt 14 informing me that she had gone over to City Hall and 15 filed a third-party complaint for me. 16 Q. And Sergeant Eidt investigated what Kathy Miller told 17 him; correct? 18 A. Yes. 19 Q. And Sergeant Mills was your direct supervisor; 20 correct? 21 A. At one point in time, he was. 22 Q. You were advised that even though you didn't make the 23 complaint, that Eidt had to follow up and investigate. 24 A. Yes. 25 Q. As you would expect them to do; correct?</p>
<p style="text-align: right;">Page 190</p> <p>1 Q. You think he was deliberately trying to be mean to 2 you? 3 A. Yes. 4 Q. You never filed a complaint yourself against Shawn 5 Johnson, did you? 6 A. No. 7 Q. You didn't go to HR or anyone else and file a 8 complaint; correct? 9 A. No. 10 Q. But Warren and the police department did take 11 disciplinary or corrective action against Shawn 12 Johnson, didn't they? 13 A. My understanding is that a third-party person made a 14 complaint for me. 15 Q. And that woman is a retired sergeant named Kathy 16 Miller; correct? 17 A. Retired, but not a sergeant, yes. 18 Q. All right. Kathy Miller and you met at a tavern; 19 correct? 20 A. Yes. 21 Q. The same tavern that Paul Kelly had invited you to go 22 to; correct? 23 A. I just know it was Gallasso's retirement party is 24 where she and I were at the same time. 25 Q. When did Kathy Miller leave the Warren Police</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Yes. 2 Q. If you're going to foster an environment where there 3 is no racial discrimination, certainly you have to 4 investigate such a claim; correct? 5 A. Yes. 6 Q. Sergeant Eidt asked you to write out a statement; is 7 that correct? 8 A. Yes. 9 Q. And you did on July 7th, 2015; correct? 10 A. Yes. 11 Q. In 2015, it was accurate when you wrote it and signed 12 it? 13 A. Yes. 14 Q. Didn't you advise Sergeant Mills that you did not want 15 to file a formal complaint? 16 A. Yes. 17 Q. Is it true that you called dispatcher Dawn McLane and 18 told her you didn't want to file a complaint against 19 Johnson, that you just wanted to go out with -- for 20 drinks with him and hash it out? 21 A. I wanted to resolve it amongst ourselves, if we could, 22 because if a complaint gets filed, then I'm going to 23 lose out on everybody, and instead of them thinking 24 that what he was saying was disrespectful, it will be, 25 Sheila's the problem, Sheila's a race baiter. I even</p>

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 193</p> <p>1 offered to take a closet office just so that they 2 could feel better every day and not have to talk 3 around me, you know. 4 I've belittled myself in every way you can 5 to just survive, so, yes, I told her that if we could 6 work it out, I want to, because once I found out that 7 somebody else made a complaint, I knew all the guys 8 would think that I complained and that I was a rat. 9 Q. Do you need a few minutes? 10 A. Let's just get done. 11 Q. So the department investigated your allegations and 12 Johnson was disciplined; correct? 13 A. I know that he was talked to. 14 Q. Well, wasn't he given time off? 15 A. Not to my knowledge, no, sir. 16 Q. He was moved away from you, wasn't he? 17 A. Yes. 18 Q. Were you satisfied that he was moved away from you? 19 A. At the time, until we were put back together. 20 Q. Is there a reason you were put back together? Weren't 21 they reconfiguring your office and there was no 22 choice? 23 A. We both were assigned to family investigations 24 division. Union president comes up on the second 25 floor and is advised of -- of the bullet points that</p>	<p style="text-align: right;">Page 195</p> <p>1 and I told him yes, and he said, well, what's the 2 problem? 3 So I explained about -- police officers 4 call it eye fucking or glaring that he does and how he 5 can't have conversations, how he won't share the work 6 because sometimes our cases overlap ironically and how 7 -- so it's just -- it's a thing that keeps going, 8 so... 9 Q. So you think he was eyeballing you? 10 A. I don't think. I know. 11 Q. Did he -- 12 A. And when I would specifically ask him for the work, 13 he's hollering at me and it's uncomfortable for the 14 people that are stuck in between us. 15 Q. At the time you -- when did this occur, approximately? 16 How long ago? 17 A. This was going on October, November, December. 18 Q. Of '16? 19 A. Right. Right before '17. 20 Q. Do you know, has Detective Johnson ever harassed any 21 other women at Warren P.D.? 22 A. Yes. 23 Q. He has. Who? 24 A. Dawn McLane. 25 Q. Dawn McLane. And how do you know that?</p>
<p style="text-align: right;">Page 194</p> <p>1 they made me write out. I hear the union president 2 say, I got to come up here and deal with this stupid 3 shit. Union president then goes into the office with 4 our sergeant, Johnson's and I, Sergeant Eidt, and they 5 have some type of discussion. 6 Union president then leaves the floor, 7 never talks to me or asks me anything, but again I 8 heard how he feels about having to come up here and 9 deal with this stupid shit. So the next thing that I 10 know is that they decide to put Shawn John on criminal 11 investigation side, and even though we're both 12 assigned to this side, he's being moved over there. 13 So sometime later another position becomes 14 available for the criminal side. They ask me if I 15 want to take the position, and then I specifically 16 ask, if I do take the position, do I physically have 17 to move to that side or is it okay for me to continue 18 to stay separate. 19 They tell me, Sergeant Eidt and 20 Sergeant Mills, that, yes, I can continue to stay 21 separate since that's working thus far. About two 22 weeks later, I'm moved to the other side. Lieutenant 23 Gardner, who's the supervisor at that time, who did 24 not work on the floor when all of this happened, asked 25 me was it still a problem between Shawn John and I,</p>	<p style="text-align: right;">Page 196</p> <p>1 A. Matt Nichols told me that he beat her up. 2 Q. Matt Nichols told you he beat her? 3 A. Yes. 4 Q. Was he married to Dawn McLane? 5 A. No. 6 Q. Were they in a relationship? 7 A. Yes. 8 Q. They were in a dating relationship? 9 A. Yes. 10 Q. And Matt Nichols told you that Shawn Johnson beat up 11 Dawn McLane. Is that your testimony? 12 A. He specifically told me that they got into a fight and 13 that, I guess, Shawn was boot stomping her, and she 14 was cowering like this in a fetal position, trying to 15 protect her face, and that she wears a lot of rings, 16 and in some kind of way, he ended up with a busted 17 lip, which he was physically at work with a busted 18 lip. 19 And so when she left his house, he called 20 the police on her, and so whatever suburb they live 21 in, they made a police report, but she's, like, the 22 defendant in the report. So somebody from our job got 23 in touch with her and said, hey, if you're at home, 24 get out of there because they're coming to arrest you, 25 she leaves.</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 197</p> <p>1           Some kind of way she gets in touch with 2       Matt, like the following morning, and my understanding 3       is she's bruised from her -- all over. Matt calls the 4       supervisor at the suburban department, I think 5       Sterling Heights, and says, I'm bringing in an 6       employee. I got two employees that got into a fight. 7       Can you guarantee me that she won't be arrested, 8       because there's two sides to the story. 9       Matt says that that supervisor then says 10      that I can't promise you anything, but he then 11      proceeds to bring her in. So in the car ride of him 12      taking her to make her side of the report, she's 13      explaining how he's boot stomping her and how she -- 14      he tried to kick her out of the car when they were 15      driving from wherever. 16      So Matt says that when he gets there, the 17      supervisor says, hey, evidence tech has to take 18      pictures of her physical injuries, and then the guy 19      wanted him to walk in there with her, and he's like, 20      I'm not going in there while my employee gets 21      undressed, you know. So all that stuff happened, both 22      sides got documented, and then we're all at work and 23      she's not able to sit completely solid because she's 24      so battered and his lip is busted and nothing happens. 25      That's a crime that's committed by an</p>	<p style="text-align: right;">Page 199</p> <p>1       day -- 2       Q. That was February 1, 2017? 3       A. Is that a Wednesday? 4       Q. I don't know. 5       A. It's a -- it's a Wednesday -- 6       Q. Okay. 7       A. -- of when I talked to him, when it happened, and then 8       that Thursday I was advised to go meet with 9       Mr. Simlar. 10      Q. Who advised you to go meet with Mr. Simlar? 11      A. Sergeant Mills said that -- after I had talked to him 12      that Wednesday about what happened, that he had to 13      inform other people. So he told Sergeant Eidt, 14      because that's Barb's boss, and then he told 15      Lieutenant Gardner and then he must have had a 16      conversation with Chief Green. 17      So then when I got to work Thursday 18      morning, he said, hey, we get -- we got to go talk to 19      Green. They're going to go send you to talk to 20      Mark Simlar, he said, but it's like a secret squirrel 21      thing. They want you to go over -- they don't want 22      you in that building because people will see you in 23      that building, he's going to meet you over on the 24      second floor of the community center, and so on, so 25      forth.</p>
<p style="text-align: right;">Page 198</p> <p>1       officer and nothing happens. You know, my 2       antagonizer. Everything is just -- nothing is 3       happening. 4       Q. When was this alleged incident between -- 5       A. In January. 6       Q. January '17? 7       A. I don't know the exact date. 8       Q. I mean, was it this year? 9       A. Oh, 2017, yes, sir. 10      Q. Yeah, sorry. How do you know that there was no 11      disciplinary action or anything came of it? 12      A. Because Matt told me that Internal Affairs doesn't 13      have to investigate as long as the two complainants 14      decide not to file against each other. So he's like, 15      after everybody got out of their drunk the clown 16      stupid mode, they realize, oh, and so they decided not 17      to do anything. So even though our department has 18      already been informed and talked to the other 19      department, it was their way of not having to do 20      anything. 21      Q. Do you still talk to Matt Nichols? 22      A. Again, no. 23      Q. When was the last time you spoke to him? 24      A. That Wednesday when Barb did what she did, I went down 25      to his office for about an hour, and then the next</p>	<p style="text-align: right;">Page 200</p> <p>1       So en route to the community center -- oh, 2       and I was told to slide out, don't let nobody know 3       where I was going, don't make it obvious that I'm 4       going anywhere. I get over there, I talk to Mark for 5       about two hours, but en route to there I called Matt 6       to let him know that I was being called in for a 7       meeting. Then as soon as I left the meeting, I called 8       Matt to let him know some of the things that were 9       discussed and I kind of reiterated that -- I kind of 10      told him the ten-year struggle. You know, the history 11      of everything, you know. 12      And so Mark suggested that I go home that 13      day, and he asked if it was okay for him to give a 14      psychologist or somebody my information. He told me, 15      don't feel weak, and it's not a sign of, you know, 16      something bad that you need somebody to talk to, so I 17      said okay. 18      So then that Friday morning, I wake up, I 19      get dressed for work, and I drive to work and I'm 20      stuck in a parking lot because I can't get out of the 21      car. And when Barb had said what she said, I -- I 22      started shaking real bad and I sweat. So then when 23      I'm in the car, it's the same thing, and I can only 24      describe it as like an adrenalin dump. So I called 25      Sergeant Mills and I said, Sergeant, I'm here, but I</p>



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 201</p> <p>1 can't get out the car.</p> <p>2 And so he was like, Sheila, I just want you</p> <p>3 to feel better when you come back to work, so just go</p> <p>4 ahead and go home. So then I called Derek Scott, who</p> <p>5 should have been assigned to the jail that day, and he</p> <p>6 just wasn't -- happened not to be there, so I think</p> <p>7 Marlene Kerr or somebody answered, and literally</p> <p>8 that's that.</p> <p>9 Q. You walked off the job in February 2017; correct?</p> <p>10 MR. MUNGO: Objection, assuming a fact not</p> <p>11 in evidence.</p> <p>12 A. I was told to go home, yes.</p> <p>13 BY MR. ACHO:</p> <p>14 Q. Okay. But you haven't come back, have you?</p> <p>15 A. No.</p> <p>16 Q. The City has never fired you, have they?</p> <p>17 A. No.</p> <p>18 Q. And they've never disciplined you, have they?</p> <p>19 A. No.</p> <p>20 Q. So why haven't you come back?</p> <p>21 A. Because I'm still in treatment.</p> <p>22 Q. Okay. Now, as I indicated at the beginning of the</p> <p>23 deposition -- and I'm just, once again, reserving my</p> <p>24 right to continue the deposition should it become</p> <p>25 necessary -- your counsel handed me a report from</p>	<p style="text-align: right;">Page 203</p> <p>1 A. Psychologist.</p> <p>2 Q. Psychologist. So she cannot write scripts for meds;</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. All right. How often do you see Dr. Valivonis and for</p> <p>6 how long have you seen her?</p> <p>7 A. Since March, twice a week, one hour per session.</p> <p>8 Q. Okay. And is insurance covering that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Has Dr. Valivonis diagnosed you with anything</p> <p>11 clinically?</p> <p>12 A. Yes.</p> <p>13 Q. What has she diagnosed you with?</p> <p>14 A. Depression, anxiety and posttraumatic stress disorder.</p> <p>15 MR. MUNGO: And I'm going to object to the</p> <p>16 extent the client has answered the question, and she</p> <p>17 should, as you posed it to her, but she is not a</p> <p>18 psychologist, and I --</p> <p>19 MR. ACHO: Fair enough. I was just</p> <p>20 wondering --</p> <p>21 MR. MUNGO: -- the medical records -- the</p> <p>22 medical records will speak for themselves.</p> <p>23 MR. ACHO: No, no, I get it. I just wanted</p> <p>24 to know if she had been told any.</p> <p>25 MR. MUNGO: And by the way, Counsel, didn't</p>
<p style="text-align: right;">Page 202</p> <p>1 Dr. Gerald Shiener. When you say you're still in</p> <p>2 treatment, you're not referring to Gerry Shiener, are</p> <p>3 you?</p> <p>4 A. No.</p> <p>5 Q. Okay. Because he's not a treater; right?</p> <p>6 A. No.</p> <p>7 Q. He's just a guy that you pay for an evaluation and a</p> <p>8 report; right?</p> <p>9 A. Yes.</p> <p>10 Q. Who are you treating with?</p> <p>11 A. Dr. Valivonis.</p> <p>12 Q. Valivonis? Can you spell that?</p> <p>13 A. V-a-l-i-v-i-o-n-i-s, something like that.</p> <p>14 Q. Valivonis?</p> <p>15 MR. MUNGO: V-a-l-i-v-o-n-i-s, Valivonis.</p> <p>16 MR. ACHO: I'm sorry, one more time?</p> <p>17 Sorry.</p> <p>18 MR. MUNGO: V-a-l-i-v-o-n-i-s.</p> <p>19 MR. ACHO: Valivonis, okay.</p> <p>20 BY MR. ACHO:</p> <p>21 Q. Where is Dr. Valivonis located?</p> <p>22 A. Birmingham.</p> <p>23 Q. Is that a he or she?</p> <p>24 A. She.</p> <p>25 Q. And is she a psychotherapist?</p>	<p style="text-align: right;">Page 204</p> <p>1 you get releases for those? Okay.</p> <p>2 BY MR. ACHO:</p> <p>3 Q. So, with depression and anxiety, I know frequently</p> <p>4 people will take medication for that. Do you take any</p> <p>5 medication?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And what do you take?</p> <p>8 A. Fluoxetine and alprazolam.</p> <p>9 Q. Fluoxetine is generic for Wellbutrin, is it?</p> <p>10 A. Yeah, I think they're all kind of like a -- like a</p> <p>11 Prozac kind of thing.</p> <p>12 Q. Right. And alprazolam is a generic for Xanax; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. How often do you take -- I assume the fluoxetine you</p> <p>16 take daily?</p> <p>17 A. Yes.</p> <p>18 Q. The alprazolam as needed?</p> <p>19 A. Daily.</p> <p>20 Q. You take that daily, as well?</p> <p>21 A. It's just at night.</p> <p>22 Q. At night. Does it help you sleep?</p> <p>23 A. The dreams are almost too vivid, I should say. I'm,</p> <p>24 like, jumping out of my sleep, swinging, kicking,</p> <p>25 so...</p>

DESHEILA HOWLETT  
December 27, 2017

Page 205

1 Q. How long have you been taking the Wellbutrin and  
2 Xanax?  
3 **A. Is that the fluoxetine one?**  
4 Q. Yeah.  
5 **A. That one, maybe since, like, August, because they**  
6 **tried to get me on meds earlier and I wanted to try**  
7 **to, like, not be medicated, so...**  
8 Q. Do you feel like the medication is helping you?  
9 **A. Well, it levels me out a lot better because I was**  
10 **having too many just spikes in the highs and lows, you**  
11 **know.**  
12 Q. Has Dr. Valivonis indicated to you that you are ready  
13 to go back to work?  
14 **A. No.**  
15 Q. What has she told you?  
16 **A. She said because it was like getting these baby cuts**  
17 **over a ten-year span of time -- because I took it for**  
18 **so long -- that by the time I started speaking out and**  
19 **voicing it and it came out, that it kind of just**  
20 **exploded. And I used to like -- you know how the**  
21 **Asian people cup the muscles in a sore part, every**  
22 **time something would happen, I would just survive each**  
23 **instance. So she said by the time it all accumulated**  
24 **and I got past the point of, oh, it's going to get**  
25 **better in time, and I realize it's never getting**

Page 207

1 **A. Absolutely not.**  
2 Q. All right. When you were a child, my understanding is  
3 your best friend was kidnapped and murdered; is that  
4 right?  
5 **A. Not my best friend, my boyfriend.**  
6 Q. Boyfriend, okay. Certainly that's a traumatic event;  
7 correct?  
8 **A. Yes.**  
9 Q. Did you seek any type of professional counseling for  
10 that?  
11 **A. No. I became a police officer because of it.**  
12 Q. Okay. Was your nephew murdered, as well?  
13 **A. My nephew?**  
14 Q. Did you have a nephew that was?  
15 **A. No.**  
16 Q. Okay. How is your relationship with your parents?  
17 **A. My mother is deceased and my father is -- he has**  
18 **cancer right now, but he's at my house, so...**  
19 Q. So you have a good relationship with him.  
20 **A. Yes.**  
21 Q. Tell me about the situation with the child that you  
22 indicated you were the caretaker, and I said that the  
23 City thought you were adopting the child. Can you  
24 tell me about that situation?  
25 **A. Her mother died when she was 35 days old. Upon her**

Page 206

1 **better, that I just had a meltdown, I guess, is how**  
2 **you would say it.**  
3 MR. MUNGO: Okay. You still got to answer  
4 his question. He needs a yes --  
5 MR. ACHO: That's okay. I was able to pull  
6 one out.  
7 BY MR. ACHO:  
8 Q. You know how you just said, "you know how the Asian  
9 people," if I told you I was offended by that, would I  
10 be legitimately offended, do you think?  
11 **A. Would you be?**  
12 Q. Or do you think I think you're just trying to make a  
13 comment?  
14 MR. MUNGO: Objection, argumentative.  
15 MR. ACHO: Fair enough.  
16 MR. MUNGO: Argumentative.  
17 MR. ACHO: It is. I was just making a  
18 point.  
19 BY MR. ACHO:  
20 Q. All right. I want to ask you this, and I don't in any  
21 mean -- in any way mean to embarrass you or anything  
22 like this, but is it fair to say that you are somebody  
23 who has had traumatic experiences a number of times in  
24 life and that is what has caused you to be in this  
25 state?

Page 208

1 **mother dying, the father was not around, so my**  
2 **Godmother, being the grandmother of the baby, had her**  
3 **day in, day out. She ended up having to go back to**  
4 **work after, you know, you have a little bit of leave**  
5 **for bereavement, or whatever, and she needed somebody**  
6 **to help baby-sit. So the baby would come to my house**  
7 **the days that she would go to work, and so she might**  
8 **work 8, 9, 10, 11, 12 hours, whatever the case might**  
9 **be, and the baby was in my care for about nine months.**  
10 **And then after she would get off work, she would come**  
11 **pick her up and take her home, so she never stayed the**  
12 **night technically.**  
13 Q. Did you ever move for custody of the child through the  
14 courts?  
15 **A. No.**  
16 Q. Do you know who Greg Murray is?  
17 **A. Yes.**  
18 Q. Well, you tell me who he is.  
19 **A. He got hired as a -- like a diversity coordinator or**  
20 **something of the sort.**  
21 Q. Exactly, diversity coordinator. And he was prior to  
22 your leaving Warren; correct?  
23 **A. I believe he was hired in January and I left in**  
24 **February, but I had never met him personally, no.**  
25 Q. And he's African-American; correct?

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Pages 205 to 208

DESHEILA HOWLETT  
December 27, 2017

Page 209

1 A. Yes.  
2 Q. And you're aware that the City has made attempts to  
3 become more culturally diverse? Yes?  
4 A. I would assume so.  
5 Q. In fact, didn't Mayor Fouts publicly acknowledge you  
6 at a dinner or luncheon?  
7 A. Yes, with explanation.  
8 Q. Okay.  
9 A. It's like a dog and pony show when you have your one  
10 black employee stand up and say, look at how diverse  
11 we are. One doesn't equal diversity. So I asked my  
12 supervisors if I could not continue to have to go to  
13 these things to be announced because it's taking from  
14 my work, and they pay the \$25 or 50 or whatever it was  
15 for dinner. He had me sitting with senators and such  
16 so that when the TV Warren thing is scanning across,  
17 I'm in front, and all my coworkers of higher rank and  
18 stature are sitting over there snarking and making  
19 comments that this is garbage that I'm over here being  
20 paraded.  
21 Q. The mayor was complimentary of you, though, was he  
22 not?  
23 A. Yes.  
24 MR. ACHO: Give me a couple of minutes.  
25 VIDEO TECHNICIAN: Off the record at 3:06.

Page 211

1 A. No. Lieutenant Gardner told me, like on a Monday,  
2 that I needed to move my desk by that Friday, is what  
3 happened.  
4 Q. Okay. And you were never asked if you were okay with  
5 it?  
6 A. Only if the problem still had continued, and I stated  
7 that it was still continuing because he was still  
8 hollering at me, still doing the glare/stare thing and  
9 it was still -- he wasn't sharing his work with me.  
10 Q. All right. So I asked you about your psychologist and  
11 whether or not she feels you're ready to return to  
12 work, and you indicated that she has not told you to  
13 go back to work; is that right?  
14 A. Yes.  
15 Q. Has she given you any type of prognosis, like when you  
16 might be able to return to work?  
17 A. She said I can't go back into policing at all.  
18 Q. At all? So what are your plans?  
19 A. To start all over, try to go into a different field.  
20 I'm probably going to have to get schooling because  
21 all my training is in policing.  
22 Q. What are you looking for from this lawsuit?  
23 A. I would love for each person to be able to walk in  
24 that building and literally do a good job and nothing  
25 else matter. It not, you know, be about race or

Page 210

1 (Off the record at 3:06 p.m.)  
2 (Back on the record at 3:29 p.m.)  
3 VIDEO TECHNICIAN: Back on the record at  
4 3:29.  
5 BY MR. ACHO:  
6 Q. Ms. Howlett, I just want to go back and clear up one  
7 area, and that is with Shawn Johnson. When he was  
8 moved away from you, and then he was moved back,  
9 didn't you have a discussion with Sergeant Mills about  
10 the reason that Shawn Johnson was going to be moved  
11 back with you?  
12 A. No. It was a conversation with Lieutenant Gardner.  
13 Q. Okay. But do you remember Lieutenant Gardner asking  
14 you if you had a problem with it and you saying you  
15 did not?  
16 A. No, sir. I specifically asked not to be put back with  
17 him. I wasn't going to take the promotion, the  
18 position, if we had to sit together. So after I was  
19 told that we didn't have to be back together, a couple  
20 of weeks later, we were put back together.  
21 Q. I understand. But a couple weeks later, wasn't there  
22 a reconfiguration of the building where they were  
23 remodeling and Sergeant Mills said to you, listen,  
24 this remodeling is going on, we've got to put Shawn  
25 back with you, do you have a problem with that?

Page 212

1 gender or any of that, just treat each other like  
2 human beings, you know. And so I thought that if I  
3 just lasted, endured, in time they would get to know  
4 me for me, and it didn't happen and doesn't happen.  
5 So, you know, as an officer, you're, like, on a team  
6 with people. You need to feel like the team is equal.  
7 And so even forgiving everybody over and over and over  
8 again for all those things is because trying to  
9 survive in it.  
10 Q. I appreciate that, but I asked you, what do you want  
11 from this lawsuit?  
12 A. I want things to get better there, the City of Warren,  
13 the department.  
14 Q. Okay. And how do you propose that we accomplish that?  
15 A. Well, first you have to acknowledge that it's  
16 happening.  
17 Q. That what is happening?  
18 A. The hostile environment, the racist stuff, the gender  
19 bias, all these things. How can you fix it if nobody  
20 admits to doing it?  
21 Q. Okay. So if the City of Warren took some type of  
22 proactive measure whereby they say, we're taking this  
23 step to ensure that these type of things don't happen,  
24 you would be satisfied?  
25 A. The City of Warren, from my experience, says what

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Pages 209 to 212



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 213</p> <p>1 <b>needs to be said for the media or for things to appear</b>  2 <b>a certain way, and at the end of the day, nothing</b>  3 <b>happens, nothing changes, they just articulate that</b>  4 <b>they're going to do this and that.</b>  5 Q. You live in Warren; correct?  6 A. Yes.  7 Q. You bought a home in Warren?  8 A. Yes.  9 Q. Why do you live in a city that you believe is racist?  10 A. <b>Because in the past -- again, I thought with time that</b>  11 <b>it would get better, so I literally put myself in a</b>  12 <b>position to be there as a citizen and as a patrolman</b>  13 <b>and paying taxes there. I invested in that city.</b>  14 Q. Why haven't you moved out of the city?  15 A. <b>I have no income. In order to qualify for a home</b>  16 <b>loan, I need income.</b>  17 Q. Are you taking any steps at this point to look at a  18 different career?  19 A. <b>I've gone to a person and -- a specialist to see what</b>  20 <b>else could I possibly be interested in or possibly</b>  21 <b>good at to try to reassess what could potentially be</b>  22 <b>next, so yes.</b>  23 Q. What about going back into police work in a city that  24 is more predominantly African-American?  25 A. <b>Again, I don't want to be in policing at all, and I</b></p>	<p style="text-align: right;">Page 215</p> <p>1 MR. MUNGO: Objection, argumentative.  2 BY MR. ACHO:  3 Q. Warren hasn't taken your policing career from you,  4 have they?  5 A. Yes.  6 Q. So what are you looking for by way of compensation?  7 A. <b>I need to be made whole in whatever way is possible.</b>  8 Q. All right. And what does making you "whole" include?  9 MR. MUNGO: Objection, that calls for  10 speculation, and with regard to her -- who -- she  11 who -- Counsel, you already know she's relying on  12 experts and economists and her therapist and her  13 vocational rehab specialist, so, you know --  14 MR. ACHO: Right. But --  15 MR. MUNGO: -- she's not going to be  16 able -- she's not going to be able to provide  17 testimony that is consistent with what's being  18 requested in her Complaint already through her legal  19 counsel and her experts, requirements that are set  20 forth by her experts.  21 MR. ACHO: Okay.  22 MR. MUNGO: So -- but to that extent, but  23 if you can answer the question.  24 MR. ACHO: Yeah, I don't know what any of  25 that really means.</p>
<p style="text-align: right;">Page 214</p> <p>1 <b>don't believe that I can, due to all the things that</b>  2 <b>have happened. They shun that.</b>  3 Q. You had issues at Oak Park; right?  4 A. <b>With one individual, yes.</b>  5 Q. And you had issues in Detroit; correct?  6 A. No.  7 Q. Do you think maybe at some point you decided you  8 didn't want to be a police officer anyway?  9 A. <b>Absolutely not.</b>  10 Q. So you wouldn't be willing to give it a shot in, say,  11 Flint or another city like that?  12 A. <b>My police career has ended. It is over.</b>  13 Q. Okay. So what are you looking for out of this lawsuit  14 for yourself besides a guarantee that this doesn't  15 happen, or whatever it is that you had said? What  16 else are you looking for? Anything else?  17 A. <b>I don't think that it's fair that my career has been</b>  18 <b>taken from me and I have to start all over when I went</b>  19 <b>to school for this. I invested ten years of my time</b>  20 <b>with this corporation, so...</b>  21 Q. But they didn't take your career from you, did they?  22 They didn't fire you.  23 A. <b>I had a nervous breakdown because of them.</b>  24 Q. People have nervous breakdowns at work all the time,  25 though, don't they?</p>	<p style="text-align: right;">Page 216</p> <p>1 BY MR. ACHO:  2 Q. But what are you looking for?  3 A. <b>Again, to be able to move on with my life and pay my</b>  4 <b>bills.</b>  5 Q. Okay. I guess what I'm saying is, is there a certain  6 dollar amount that you're looking for?  7 MR. MUNGO: Objection, asked and answered.  8 MR. ACHO: No, she has not answered that.  9 A. <b>No, there is not a certain dollar amount.</b>  10 BY MR. ACHO:  11 Q. Is there anything that I haven't asked you that you  12 would like me to know or the City of Warren or the  13 Warren Police Department to know that we haven't  14 covered?  15 A. <b>In an attempt to be accepted, I made myself small and</b>  16 <b>tried to endure all of the things from all of the</b>  17 <b>different people and would go home and take a nap</b>  18 <b>every day just from being exhausted of surviving each</b>  19 <b>day, and I would start over and forgive and start over</b>  20 <b>and forgive hoping that, in time, it would just get</b>  21 <b>better, and in all actuality, the longer that I was</b>  22 <b>there, the worse it got. And, so, you know, I just</b>  23 <b>allowed myself to be dehumanized to the point that I'm</b>  24 <b>broken. And like I said, I just wanted to be</b>  25 <b>accepted, so I allowed a lot of things, you know.</b></p>

DESHEILA HOWLETT  
December 27, 2017

Page 217	Page 219
<p>1 Q. Okay.</p> <p>2 MR. ACHO: I don't have anything.</p> <p>3 MR. MUNGO: I do have a few questions for</p> <p>4 you. Do you need to take a -- let's take a quick</p> <p>5 break, please. Give me about five minutes.</p> <p>6 VIDEO TECHNICIAN: Off the record at 3:38.</p> <p>7 (Off the record at 3:38 p.m.)</p> <p>8 (Back on the record at 3:43 p.m.)</p> <p>9 VIDEO TECHNICIAN: Back on the record,</p> <p>10 3:43.</p> <p>11 EXAMINATION</p> <p>12 BY MR. MUNGO:</p> <p>13 Q. Ms. Howlett, I have just a few questions for you. You</p> <p>14 recall earlier opposing counsel, Mr. Acho, had asked</p> <p>15 you questions regarding the averments in your</p> <p>16 Complaint where you identified -- named specific</p> <p>17 employees at the Warren Police Department and various</p> <p>18 verbal and other conduct that they engaged in that you</p> <p>19 characterized as racist in their nature.</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you recall those questions? And each of those</p> <p>22 individuals had engaged in different verbal and/or</p> <p>23 physical conduct that you characterized and identified</p> <p>24 as being racist in their nature; correct?</p> <p>25 A. Yes.</p>	<p>1 A. Not during the time that they were engaged in that</p> <p>2 inappropriate conduct, no.</p> <p>3 Q. Okay. So how would you describe your relationship</p> <p>4 with those individuals if you would not describe your</p> <p>5 relationship as being friendly with those individuals?</p> <p>6 How would you --</p> <p>7 A. You're with them eight hours a day, and, you know, you</p> <p>8 try to just survive the day, endure, you know, and</p> <p>9 after they do something wrong or hurt me, I just tried</p> <p>10 to start over each day.</p> <p>11 Q. Uh-huh. So how do you then -- and it's important,</p> <p>12 Ms. Howlett, that we have a clear record of your</p> <p>13 understanding of the nature of the relationship that</p> <p>14 you had with those individuals, the employees at the</p> <p>15 Warren Police Department, many of whom actually</p> <p>16 engaged in verbal and physical conduct that was</p> <p>17 characterized as racist in nature. How would you</p> <p>18 characterize your relationship with them? Explain for</p> <p>19 the record, please.</p> <p>20 A. Because it's a group of people and they have more</p> <p>21 similarities than me, so I'm kind of like an</p> <p>22 individual compared to the group. I would put the</p> <p>23 group's needs ahead of my own. So like I said, when I</p> <p>24 offered to take a hall closet, I just wanted them to</p> <p>25 feel comfortable and better, and since it's just one</p>
Page 218	Page 220
<p>1 Q. Okay. And each one of those individuals -- without</p> <p>2 going into detail for each of the individuals that</p> <p>3 counsel asked you about -- you recall counsel asking</p> <p>4 you whether or not you were friends with various of</p> <p>5 those individual employees, some of which are</p> <p>6 defendants in this Complaint?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you remember counsel also asking you, in</p> <p>9 addition to whether or not you were friends with them,</p> <p>10 whether or not you were chummy with them and</p> <p>11 conversational with them and joked with them?</p> <p>12 A. Yes.</p> <p>13 Q. And you never filed any complaints against any of</p> <p>14 them. Do you recall counsel asking you that?</p> <p>15 A. Hardly ever.</p> <p>16 Q. Hardly ever. Okay. With regard to the friendship --</p> <p>17 the question as to whether or not you were friends</p> <p>18 with any of those individuals and chummy with any of</p> <p>19 those individuals and engaged in joking with those</p> <p>20 individuals in the course of their engaging in verbal</p> <p>21 and other physical conduct that's characterized as</p> <p>22 racist in nature, is it true that you were, in fact,</p> <p>23 friends and chummy and joking with these individuals</p> <p>24 while they were engaged in the kind of conduct that</p> <p>25 you characterized as racist?</p>	<p>1 me, it's easier if I make myself small and try to get</p> <p>2 over it than to expect all of them as a collective to</p> <p>3 change, especially after so much time of being there,</p> <p>4 so I think I got accustomed to being berated.</p> <p>5 And I would put my headphones on, you know,</p> <p>6 because they say, if you have the headphones on, you</p> <p>7 can't hear some or all these comments, you know, how</p> <p>8 I'm eating a banana or heating up ribs, when I really</p> <p>9 have lamb chops for dinner, and it's just -- just a</p> <p>10 protective shield.</p> <p>11 So I was like a -- Stockholm syndrome, I</p> <p>12 guess, for the most part, where you become just</p> <p>13 dependent on them for your survival because, again,</p> <p>14 we're police officers. Even as a detective, I still</p> <p>15 need them to back me up. I still need them to serve</p> <p>16 warrants with me. You know, you physically need them.</p> <p>17 So you can't -- you can't -- the only way I</p> <p>18 can explain it is, I isolate myself as much as I could</p> <p>19 as far as, like, watching what I say and how I say it,</p> <p>20 because one of the detectives told me after that</p> <p>21 bullet point thing I made on Shawn John, that they may</p> <p>22 be fearful that I'm documenting in some kind of way,</p> <p>23 and that I needed to watch what I said and how I said</p> <p>24 it before I spoke every day so that they wouldn't be</p> <p>25 taking notes against me. So can you imagine being at</p>

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Pages 217 to 220

DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 221</p> <p>1 <b>work and trying to think before you talk? It's</b> 2 <b>just -- I don't know.</b> 3 Q. So then you mentioned that it was like the Stockholm 4 syndrome. Could you help us better understand the 5 character and the nature of your relationship with the 6 employees at the Warren Police Department by kind of 7 expanding on what the Stockholm syndrome is -- 8 <b>A. For me --</b> 9 Q. -- and how it related to your experience? 10 <b>A. For me, it's like I'm dependent on a group of people</b> 11 <b>who say whatever they want, do whatever they want and</b> 12 <b>get away with whatever they want, and I can't survive</b> 13 <b>without them, you know. My living, my paying my bills</b> 14 <b>and, you know, wanting to retire from there, I needed</b> 15 <b>them more than me as one individual mattered.</b> 16 Q. So to the extent that there was this -- as counsel 17 described, this friendship or joking, would that be 18 more characterized as equals sharing in common fun 19 that was not tearing the other down? 20 <b>A. Yes.</b> 21 Q. And in what sense? How so? 22 <b>A. I mean, there's days where you just have conversations</b> 23 <b>about whatever is going on in the world or you discuss</b> 24 <b>your cases or you discuss family and things like that,</b> 25 <b>but then at any given time, the conversation could</b></p>	<p style="text-align: right;">Page 223</p> <p>1 Q. Okay. So you were now back in the environment with 2 someone who you were separated from because of similar 3 conduct that was also manifested in his violent 4 treatment of Ms. McLane? 5 MR. ACHO: I'm going to object. What 6 you're doing is editorializing. That's not even 7 appropriate. I have to -- please, I let you -- gave 8 you a long -- no, no good. Objection. 9 Go ahead. 10 <b>A. Yes, sir.</b> 11 BY MR. MUNGO: 12 Q. Do you understand my question? 13 <b>A. Yes.</b> 14 Q. What's your understanding of my question? 15 <b>A. That the remedy to his and I problem was to separate</b> 16 <b>us, but then they put us back together, and then the</b> 17 <b>problem continued and actually got worse because he</b> 18 <b>physically assaulted someone.</b> 19 Q. Okay. Did that make you feel more or less fearful of 20 being in this environment? 21 <b>A. More fearful.</b> 22 Q. Okay. Okay. You were -- did Shawn, after that point 23 in time -- Shawn Johnson, after that point in time, do 24 anything to you to cause you to feel that you were in 25 immediate peril of physical harm or ongoing</p>
<p style="text-align: right;">Page 222</p> <p>1 just veer left, you know. I had a Band-Aid on my 2 finger one day and, you know, Shawn was like, what 3 happened? I'm like, oh, my dad's dog snipped me. 4 He's like, why? I'm like, because I was trying to get 5 out from under the bed. He was like, oh, he just 6 didn't want to come from under the bed because all 7 what would be going on in your bedroom. 8 So it's like you never know what little 9 conversation is going to spin into this whole other 10 thing. 11 Q. Now, is Shawn Johnson the same police officer with the 12 Warren Police Department that you testified to earlier 13 in response to counsel's question who beat -- 14 <b>A. Dawn.</b> 15 Q. -- Dawn -- 16 <b>A. McLane.</b> 17 Q. -- McLane? 18 <b>A. Yeah.</b> 19 Q. Is that the same one? 20 <b>A. Yeah.</b> 21 Q. And did this beating of Dawn McLane by Shawn John 22 occur prior to or after Shawn and you were separated 23 because of Shawn's discriminatory conduct against you? 24 <b>A. It occurred after we were separated, but after we were</b> 25 <b>put back together again.</b></p>	<p style="text-align: right;">Page 224</p> <p>1 harassment? 2 <b>A. Just the not extending his work. I would go to his</b> 3 <b>desk when he would go to workout for an hour and try</b> 4 <b>to get the document that I needed and make a copy, and</b> 5 <b>then I would try to sneak it back into his file. And</b> 6 <b>then Detective Ron Snyder would be like, hurry up,</b> 7 <b>Sheila, he's coming, you know, because you're just</b> 8 <b>trying to get around these impossible things. But</b> 9 <b>that's childish not to be able to pass the work and</b> 10 <b>share the work kind of thing, you know.</b> 11 Q. Okay. And so the command knew that you were objecting 12 all this time to being back in this environment after 13 having been separated because of his discriminatory 14 harassment; correct? 15 <b>A. Yes.</b> 16 MR. ACHO: I'm going to object. That 17 mischaracterizes the testimony. But go ahead. 18 BY MR. MUNGO: 19 Q. Is that correct? 20 <b>A. Yes.</b> 21 Q. Okay. And you indicated earlier that Shawn Johnson 22 had made some comments in -- within the office, 23 racially, sexually, possibly, discriminatory comments 24 to you, out loud, within the office, and others were 25 there and heard it. You recall that testimony</p>



DESHEILA HOWLETT  
December 27, 2017

Page 225	Page 227
<p>1 earlier?</p> <p>2 <b>A. Yes, sir.</b></p> <p>3 Q. Okay. Approximately how many other individuals were</p> <p>4 in the office at that time? You probably don't</p> <p>5 remember the exact number, but if you can -- if you</p> <p>6 do, fine, but approximate.</p> <p>7 <b>A. The other detectives would be Detective Newman,</b></p> <p>8 <b>Detective Ron Snyder, Detective Twardesky. Yes.</b></p> <p>9 Q. Okay. And what was it that Shawn Johnson said at that</p> <p>10 time?</p> <p>11 <b>A. Which time?</b></p> <p>12 Q. If you recall, out loud when these other</p> <p>13 individuals -- the other detectives were there and</p> <p>14 heard him.</p> <p>15 <b>A. Mainly the comment about the Gorilla Glue because,</b></p> <p>16 <b>like I said, I tried to take the time to explain it.</b></p> <p>17 <b>They would hear him asking me what I was having for</b></p> <p>18 <b>lunch, was it chicken or ribs. They would hear him</b></p> <p>19 <b>talking about my color combinations and how he would</b></p> <p>20 <b>announce, Sheila had on burgundy today, Sheila has on</b></p> <p>21 <b>purple today, and that's -- and the way she's</b></p> <p>22 <b>matchy-matchy, that's a black thing, kind of thing,</b></p> <p>23 <b>they would hear that.</b></p> <p>24 <b>And then he would go on vacation and he</b></p> <p>25 <b>would come back, and when he would sit at his desk,</b></p>	<p>1 Q. No? So they knew that it was going on; correct?</p> <p>2 MR. ACHO: I'm going to object. You're --</p> <p>3 you're speculating. You don't know what their</p> <p>4 knowledge was. You don't even know what they heard.</p> <p>5 But go ahead.</p> <p>6 MR. MUNGO: Haven't you heard, Counsel, I'm</p> <p>7 a prophet?</p> <p>8 MR. ACHO: Just like that guy predicted</p> <p>9 that she was going to sue. You're both close.</p> <p>10 MR. MUNGO: Okay.</p> <p>11 MR. ACHO: You can answer.</p> <p>12 MR. MUNGO: So -- so let the -- let the</p> <p>13 record reflect there's laughter in the room here for a</p> <p>14 moment. Okay.</p> <p>15 BY MR. MUNGO:</p> <p>16 Q. So none of these individuals ever voiced any concern</p> <p>17 or objection to Shawn's verbal discriminatory conduct</p> <p>18 towards you?</p> <p>19 <b>A. No. It just seemed like people were physically</b></p> <p>20 <b>uncomfortable.</b></p> <p>21 Q. Okay. But no one ever said anything?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Over this four-month period of time, is it likely to</p> <p>24 you -- is it likely to you that the command was not</p> <p>25 aware of Shawn Johnson's verbal discriminatory conduct</p>
Page 226	Page 228
<p>1 something would be gone or missing and he would turn</p> <p>2 around and go, really, Sheila, you took whatever. So</p> <p>3 then I would say, it's always got to be the brown</p> <p>4 person that steals, and then everybody would just kind</p> <p>5 of grimace.</p> <p>6 Q. Okay. Did he do this all in one day or did this occur</p> <p>7 over a period of time?</p> <p>8 <b>A. A span of time.</b></p> <p>9 Q. What span of time would you say?</p> <p>10 <b>A. From the time I got promoted, really, until the</b></p> <p>11 <b>complaint came about. I think it was like a -- about</b></p> <p>12 <b>four months of, you know...</b></p> <p>13 Q. Just ongoing.</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. And was this prior to or after he was separated from</p> <p>16 you because of his discriminatory actions toward you?</p> <p>17 <b>A. That was all prior to us being separated.</b></p> <p>18 Q. Prior to you being separated, okay.</p> <p>19 Now, with all of this going on in the</p> <p>20 office over a four-month period of time and all the</p> <p>21 other detectives hearing Shawn make all these racist,</p> <p>22 discriminatory, demeaning comments to you, did anyone</p> <p>23 ever speak up or say that that's inappropriate, Shawn,</p> <p>24 or report that to command?</p> <p>25 <b>A. No.</b></p>	<p>1 and/or physical conduct, discriminatory conduct</p> <p>2 towards you?</p> <p>3 <b>A. Sometimes the supervisors walk in and they overhear</b></p> <p>4 <b>the conversation or that somebody is resaying</b></p> <p>5 <b>something that someone else said and they get wind of</b></p> <p>6 <b>it that way.</b></p> <p>7 Q. Okay. So is it likely to you -- is it likely, based</p> <p>8 upon your experience and observations during this</p> <p>9 period of time in which Shawn was engaged in these</p> <p>10 consistent discriminatory -- racially discriminatory</p> <p>11 and sexually discriminatory and demeaning comments</p> <p>12 toward you, is it likely that command was not aware?</p> <p>13 MR. ACHO: I'm going to object again as to</p> <p>14 speculating as to their knowledge. They may have</p> <p>15 thought they were joking. They don't...</p> <p>16 BY MR. MUNGO:</p> <p>17 Q. Is it likely that they were not aware?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Okay. And as you just testified, you saw different</p> <p>20 command walking through when he was making these</p> <p>21 comments; correct?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And everybody else in the room heard him; correct?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And isn't it likely that the command heard it, if they</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 229

1 was walking through as right -- as well; correct?  
2 **A. Yes.**  
3 Q. In fact, after the Beyer incident when she was  
4 yelling, that nigger could have killed me if that  
5 window wasn't there, repeatedly using the N word in  
6 your presence, you were then taken secretly, as your  
7 testimony was -- I'm just kind of summing it up using  
8 my own words here -- you were kind of secretly taken  
9 to a meeting with Mr. Simlar?  
10 **A. Yes, sir.**  
11 Q. Is Mr. Simlar in this room, by the way?  
12 **A. Yes, sir.**  
13 Q. Where is he located at?  
14 **A. Sitting on the end.**  
15 Q. Sitting on the end. Okay. And what is his role and  
16 responsibility there at the City of Warren?  
17 **A. I know he works in the human resources department.**  
18 Q. Okay. So they took you to meet with Mr. Simlar?  
19 **A. Yes, sir.**  
20 Q. Who was it that told you not to say where you were  
21 coming in and when you were coming in and where you  
22 were meeting and don't go out this way so that you can  
23 draw attention? Who was it that told you that?  
24 **A. Sergeant Mills.**  
25 Q. Sergeant Mills, okay. And what was his relationship

Page 231

1 young lady appeared to be affected. And at one point  
2 he seemed overwhelmed by all the information and he  
3 was like, this is institutional, you know. He was  
4 like --  
5 Q. Wait -- wait a minute. Hold on a second. Hold on a  
6 second. Who is this saying, this is institutional, he  
7 was overwhelmed?  
8 **A. Mark Simlar, his eyes were watering and his face was**  
9 **red and he seemed to be affected by what I was saying.**  
10 Q. And what were you telling Mark Simlar?  
11 **A. About all the different racial things, officer safety**  
12 **issues, and he reminded me that he had taken a**  
13 **complaint back in 2011 with Dawn. And so, I guess,**  
14 **the span of time of all these different things**  
15 **happening from all these different people, he said**  
16 **that there was an institutional problem and that he**  
17 **didn't really know what he could do to change it or**  
18 **help me.**  
19 Q. What complaint did he take from Dawn and who was Dawn?  
20 **A. Dawn McLane was the dispatcher that didn't give me the**  
21 **information on the gun run.**  
22 Q. And what -- what complaint did he take from her?  
23 **A. Well, from me. It was -- I said I felt like it was a**  
24 **hostile work environment.**  
25 Q. Okay. Okay. Because the dispatcher was doing what?

Page 230

1 to you from the command of a reporting standpoint?  
2 **A. My direct supervisor.**  
3 Q. He was your direct supervisor. Okay. Now, was he one  
4 of the command people that would walk pass through the  
5 office back and forth when Shawn John was -- when  
6 Shawn Johnson was making these racially and gender  
7 discriminatory, demeaning comments?  
8 **A. No. That would have been Sergeant Eidt.**  
9 Q. Sergeant Eidt. And what was his relationship to you  
10 regarding reporting?  
11 **A. My direct supervisor.**  
12 Q. He's another direct supervisor. Okay. All right.  
13 And so when you finally met with Mr. Simlar, what  
14 happened during that meeting with Mr. Simlar? Was  
15 there anything said during the meeting with  
16 Mr. Simlar? And if so, questions asked, answers  
17 given, we want to put that in the record.  
18 **A. There was another young lady who sat in the meeting**  
19 **with us, and he told me that she always sat in on**  
20 **these kinds of things and that he trusted her. He had**  
21 **a yellow notepad like that, and I started to talk and**  
22 **I said that there's probably not enough pages in the**  
23 **notepad to cover my ten-year experience there.**  
24 **He started to ask things; we started to**  
25 **talk; I was emotional; he was emotional. The other**

Page 232

1 **A. Being belligerent on the recorded line and not giving**  
2 **us pertinent information that you need.**  
3 Q. Being belligerent to who?  
4 **A. To me.**  
5 Q. Okay. So the complaint that you made to Mark Simlar,  
6 you did make that complaint to Mark Simlar?  
7 **A. Which one?**  
8 Q. With McLane, the dispatcher.  
9 **A. Well, I made it with supervision and supervision got**  
10 **in touch with human resources because they're in a**  
11 **different building and they had us meet.**  
12 Q. Did Mr. Simlar ever meet with you and discuss that  
13 matter with you?  
14 **A. Yes.**  
15 Q. Okay. And what was the content of that conversation?  
16 **A. Well, they kept asking if I thought it was because of**  
17 **my race, and back then I said no.**  
18 Q. What do you believe now?  
19 **A. Probably, actually.**  
20 Q. Probably. What makes you think -- believe that it was  
21 probably your race?  
22 **A. In the beginning, you want to assume that everything**  
23 **is happening to everybody, you know, or that it's**  
24 **nothing -- nothing to you personally. But then over**  
25 **time when they show you in so many different ways and**

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Pages 229 to 232

DESHEILA HOWLETT  
December 27, 2017

Page 233

1 **so many different facets, no matter whether I'm**  
2 **working in jail or patrol or as a detective, no matter**  
3 **where I go and what I do, the commentary still**  
4 **continues.**  
5 Q. Okay. Now, this question was not asked, and I would  
6 like to put it into the record and make it very clear  
7 at this point. All of the individuals that were  
8 complained -- that you complained about in your  
9 Complaint and all of the individuals that you've  
10 referenced throughout this deposition, are all of  
11 these individuals, with the except of Anwar -- is that  
12 his right name --  
13 A. Yes.  
14 Q. -- Anwar? Are all of these individuals Caucasian?  
15 A. Yes, sir.  
16 Q. Okay. Including Mr. Simlar?  
17 A. Yes, sir.  
18 Q. Okay. All right. And so you were the only  
19 African-American working as -- in that police  
20 department as an officer or otherwise?  
21 A. Yes, sir.  
22 Q. Okay. All right. As far as you know, are you the  
23 first African-American that had been employed as a  
24 police officer in the City of Warren?  
25 A. **My understanding is, they offered it to one male**

Page 235

1 **subsection of an entire training.**  
2 Q. Okay. So that we'll have some idea for the record,  
3 the jury and the judge, how long of a period of time  
4 did that segment consist of?  
5 A. **The cultural diversity day --**  
6 Q. Or approximately, if you don't remember.  
7 A. **Yeah. The cultural diversity day is usually like a**  
8 **four-hour span or an entire day, eight hours, but I**  
9 **don't recall how many hours we were in there.**  
10 Q. Okay. So at a maximum, it could have been eight  
11 hours?  
12 A. Yes.  
13 Q. Okay. One day?  
14 A. Yes.  
15 Q. Okay. Had it ever occurred, any other additional  
16 diversity cultural -- diversity training as it relates  
17 to African-Americans occur during your ten-year period  
18 there since that first training?  
19 A. No, sir.  
20 Q. Okay. Do you recall counselor's question to you  
21 earlier as to whether or not the psychologist was  
22 concerned about you?  
23 A. Yes, sir.  
24 Q. Do you really know whether or not the psychologist was  
25 concerned about you?

Page 234

1 **before me who asked what the city's demographic was**  
2 **and then he turned it down, and then there was another**  
3 **guy who -- I guess he was in the police academy,**  
4 **because the City of Warren sometimes pays for that,**  
5 **but he didn't pass the Academy, so technically ever**  
6 **fully hired and working in the building, it would just**  
7 **be me.**  
8 Q. Okay. All right. Now, when you first came in --  
9 well, you were there for ten years; correct?  
10 A. Yes.  
11 Q. Okay. For the ten-year period that you were there,  
12 were there ever any diversity training as it relates  
13 to African-Americans? Cultural diversity training as  
14 it relates to African-Americans during -- during your  
15 entire ten years there?  
16 A. **My first year in 2006.**  
17 Q. 2006. And what did that training consist of?  
18 A. **How to talk to and deal with African-Americans whether**  
19 **they're speaking in a loud tone of voice, whether**  
20 **they're using their hands, how far away to stand, what**  
21 **verbal cues to see or know when they're being**  
22 **disrespectful, just kind of like rules of engagement**  
23 **kind of thing.**  
24 Q. Okay. And how long did that training last?  
25 A. **It was a part of our 40-hour block, so it was just a**

Page 236

1 A. **The lady that they had call me?**  
2 Q. Yes.  
3 A. **At first, I thought she was.**  
4 Q. Okay. But you thought different later?  
5 A. **Because she just kept saying, oh, my God, you know,**  
6 **it's egregious and you work in a cesspool and, you**  
7 **know, you need to sue and all that. And then when she**  
8 **called me back the next day, it was like completely**  
9 **different. It was, well, maybe you can go somewhere**  
10 **else and maybe you can start over and maybe you need**  
11 **to see somebody, but then she wouldn't meet me in**  
12 **person, so I wasn't able to gain any trust with her**  
13 **because she wouldn't meet me on record, you know.**  
14 Q. What was the psychologist's name?  
15 A. **I think Greenberg or Greenbriar or something like**  
16 **that. Forsberg, I think maybe Forsberg.**  
17 Q. Forsberg?  
18 A. Yeah.  
19 Q. Okay. Linda Forsberg?  
20 A. Yes.  
21 Q. And when Mark Simlar -- you testified that  
22 Mark Simlar, during your meeting with him after the  
23 Shawn Johnson incident, that -- I'm sorry, after the  
24 Beyer incident, that he said that the problem is  
25 systemic. What was your understanding as to what

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Pages 233 to 236



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 237</p> <p>1 Mr. Simlar was describing in his statement?</p> <p>2 MR. ACHO: Just so we're clear, she didn't</p> <p>3 use the word, "systemic," so I would object. She</p> <p>4 alleges that he used the word "institutional,." But</p> <p>5 go ahead.</p> <p>6 BY MR. MUNGO:</p> <p>7 Q. Okay. What -- and I want to be accurate for the</p> <p>8 record. What word did you recall Mr. Simlar using?</p> <p>9 Let's do that first.</p> <p>10 <b>A. That the problem was institutional.</b></p> <p>11 Q. Okay. It was institutional. And what was your</p> <p>12 understanding as to what Mr. Simlar meant when he said</p> <p>13 the problem was institutional? What problem?</p> <p>14 <b>A. All of the things that I was talking to him about</b></p> <p>15 <b>regarding my race and things being biased or sexist</b></p> <p>16 <b>against me. The fact that it was happening with so</b></p> <p>17 <b>many different people, he felt like it was, like, a</b></p> <p>18 <b>totality.</b></p> <p>19 Q. When you say -- what was happening with so many</p> <p>20 different people?</p> <p>21 <b>A. You know, the commentary and treating me a certain</b></p> <p>22 <b>kind of way.</b></p> <p>23 Q. Okay. So meaning -- so meaning all the different</p> <p>24 people treating you the same way, in a racially</p> <p>25 derogatory way?</p>	<p style="text-align: right;">Page 239</p> <p>1 <b>A. Light duty.</b></p> <p>2 Q. Light duty.</p> <p>3 <b>A. Yes, sir.</b></p> <p>4 Q. Okay. And the question was asked whether or not you</p> <p>5 believe that it was because of your race. Do you</p> <p>6 recall counsel asking you that question?</p> <p>7 <b>A. Yes, sir.</b></p> <p>8 Q. Do you believe it was because of your race?</p> <p>9 <b>A. At the time, I didn't, but due to everybody getting it</b></p> <p>10 <b>prior to me being injured, I just thought it was</b></p> <p>11 <b>something that it was kind of like carte blanche to</b></p> <p>12 <b>everybody. Upon me needing it and being denied it, I</b></p> <p>13 <b>realized that it didn't apply to me.</b></p> <p>14 Q. Okay. But I guess you got to be a little bit clearer.</p> <p>15 You've got to be more clear. Did you -- do you -- do</p> <p>16 you or don't you believe that you were denied the</p> <p>17 opportunity to work that same shift that your</p> <p>18 similarly situated white officers were able to work,</p> <p>19 light duty, because of your race?</p> <p>20 <b>A. Yes, sir.</b></p> <p>21 Q. Okay. And is there any -- for the record, I want you</p> <p>22 to articulate for the record, why did you surmise that</p> <p>23 it was because of your race?</p> <p>24 <b>A. Because if I'm the only black employee and everybody</b></p> <p>25 <b>else is getting to work light duty for</b></p>
<p style="text-align: right;">Page 238</p> <p>1 <b>A. Yes, sir.</b></p> <p>2 Q. In a racially demeaning way?</p> <p>3 <b>A. Yes, sir.</b></p> <p>4 Q. Okay. All right. And did he seem to speak of this</p> <p>5 from the standpoint of his personal knowledge or just</p> <p>6 from what you were telling him?</p> <p>7 <b>A. I thought it was based on our two hours of</b></p> <p>8 <b>conversation.</b></p> <p>9 Q. Okay. And so just to be clear for the record, when</p> <p>10 you said Mark Simlar said it was institutional, was he</p> <p>11 speaking -- and I want to take -- you mentioned both</p> <p>12 race and gender discrimination. Was it your</p> <p>13 understanding that he meant that racism was</p> <p>14 institutional in the Warren Police Department?</p> <p>15 <b>A. That's what I thought he meant, sir, yes.</b></p> <p>16 Q. Okay. And was it your understanding, also, that when</p> <p>17 he used the word, "institutional," that he meant that</p> <p>18 the gender discrimination was institutional as well?</p> <p>19 <b>A. At the time, I think we were focusing on the race --</b></p> <p>20 Q. On the race, okay.</p> <p>21 <b>A. -- Issue.</b></p> <p>22 Q. All right. Very well. There was a question asked to</p> <p>23 you by opposing counsel regarding your being -- not</p> <p>24 being allowed to work a certain shift, but white</p> <p>25 police officers were when they were injured.</p>	<p style="text-align: right;">Page 240</p> <p>1 <b>non-duty-related issues and I'm hit by a drunk driver</b></p> <p>2 <b>on my way to work and I'm supposed to be covered to</b></p> <p>3 <b>and from, but I'm not allowed to work the desk, but</b></p> <p>4 <b>they can have a pulled hamstring muscle from playing</b></p> <p>5 <b>softball, rip an arm out of a socket in the garage at</b></p> <p>6 <b>home pulling up a motorcycle and get light duty, or</b></p> <p>7 <b>just say, I'm tired of dealing with the citizens, I'm</b></p> <p>8 <b>mentally fatigued, I want to sit here and study for my</b></p> <p>9 <b>promotional exam, and when I came back, the guy is on</b></p> <p>10 <b>a crutch and has a cast on his foot but he can work,</b></p> <p>11 <b>and then another officer is out driving with a broken</b></p> <p>12 <b>hand with a cast on his hand, but he can work. So</b></p> <p>13 <b>what else -- what's the difference?</b></p> <p>14 Q. Okay. You recall counsel asking you, after reviewing</p> <p>15 your Complaint and allegations of the race and sexual</p> <p>16 demeaning conduct toward you by different employees,</p> <p>17 each time he would give an example of that conduct by</p> <p>18 various Caucasian Warren police officers, he would ask</p> <p>19 you whether or not you complained. You recall that?</p> <p>20 <b>A. Yes, sir.</b></p> <p>21 Q. Okay. And you indicated that you did not complain.</p> <p>22 You recall that?</p> <p>23 <b>A. Quite often, yes.</b></p> <p>24 Q. Quite often. And I just want the record clear,</p> <p>25 Ms. Howlett, as to why it was that you did not</p>

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DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 241</p> <p>1 complain in all of those instances in which you were 2 subject to racially and gender derogatory comments and 3 conduct. 4 <b>A. I thought it was my -- I thought it was my plight to 5 bear because I knew I was going to be the only black 6 person upon accepting the job, and I thought that if I 7 was consistent and did a good job and gave them an 8 opportunity to get to know me for me, that it would, 9 at some point, get to a point where my race didn't 10 matter.</b> 11 <b>So as things would happen one by one, I 12 would just go, that's an isolated incident, survive 13 that incident and move on to the next thing. But then 14 as the years progressed and it just continued and kind 15 of got rampant or even worse, you come to a 16 realization at some point like, wow, I could literally 17 be here 25 years and this is just going to be a 18 constant variable.</b> 19 <b>Another thing that I took upon myself was 20 feeling like, by being the first, you're opening this 21 door for the next ones to come behind you. So if I 22 complain and I'm, you know, aggressive or angry black 23 woman or whatever they want to say, it might make it 24 hard on the next one. Well, who knew there's not 25 another one coming, you know.</b></p>	<p style="text-align: right;">Page 243</p> <p>1 <b>I'm like, wow. So Sheila is wrong even when she's not 2 wrong because if they're all similar and I'm the one 3 different thing, if I continue to speak out, again, 4 nothing's happening, that person doesn't change, 5 nothing happens with supervision, but then I'm more 6 isolated again and again.</b> 7 <b>Q. So you were fearful of reporting these violations of 8 your civil rights to command.</b> 9 <b>A. Yes, sir.</b> 10 <b>Q. Even though, based on your testimony earlier, it was 11 your belief that command already knew about this 12 conduct; correct?</b> 13 <b>A. Some things, yes.</b> 14 <b>Q. Okay. Yet they took no action.</b> 15 <b>A. No, sir.</b> 16 <b>Q. Okay. And over time, I guess what you're saying is 17 that you just held this in; correct?</b> 18 <b>A. Yes.</b> 19 <b>Q. How did this affect your life with your family and 20 your friends, your social life, as you were going 21 through holding all this in over ten years?</b> 22 <b>A. A lot of times stuff would happen at work, I wouldn't 23 be able to discuss it with my family because they 24 would be like, what did you say and what did you do, 25 and they couldn't understand the position that I was</b></p>
<p style="text-align: right;">Page 242</p> <p>1 <b>So for me it was just like, if you're a 2 secretary and you are telling another secretary, your 3 life doesn't depend on that, though, but if you're an 4 officer speaking against other officers, how does that 5 fare well? You know, the one guy who told about the 6 police brutality, they called him a P word and don't 7 want to work with him.</b> 8 <b>Q. Tell us about the police brutality that the one 9 officer complained of.</b> 10 <b>A. John Adams felt like they were being too rough on 11 people and beating people up unnecessarily.</b> 12 <b>Q. "Felt like they" who?</b> 13 <b>A. Different officers.</b> 14 <b>Q. Being beating up on who?</b> 15 <b>A. On -- on citizens. So he took it to command, and some 16 kind of way it magically gets all around the 17 department that he's a snitch and a fake and a punk 18 and nobody should work with him.</b> 19 <b>Q. And so that caused you to fear making complaints 20 against any officers violating rules and laws, as 21 well?</b> 22 <b>A. And also seeing that when I address you as an adult 23 one on one about things that I just -- you've done it 24 ten times, you're not going to stop, and then to see 25 how everybody else takes the other person's side. So</b></p>	<p style="text-align: right;">Page 244</p> <p>1 <b>in not to be able to say or do because, again, my life 2 depends on these resources here, you know.</b> 3 <b>And so if I -- if I said anything to them, 4 they would be so outraged at the stupid stuff that was 5 happening, but then they would want me to do 6 something, and all I wanted to do was retire. You 7 don't want to quit, you don't want to start over, you 8 don't want to be a problem, you just want to finish 9 what you started.</b> 10 <b>So, again, trying to just get through each 11 instance, hoping it would get better, which I guess 12 was naive for the most part because it's just not, you 13 know.</b> 14 <b>Q. So -- so, then, based on your testimony, what I hear 15 you saying -- and correct me if I'm wrong -- is that 16 you felt in order to keep a paycheck coming in, the 17 price was to endure this dehumanizing treatment?</b> 18 <b>A. Yes.</b> 19 <b>Q. And did it get to a point where it was like a tipping 20 point there where it, like, culminated in -- in some 21 sort of a health issue?</b> 22 <b>A. After I went to Matt's class and he asked me to speak 23 to them because of my unique position and the lack of 24 diversity in policing --</b> 25 <b>Q. And just for the record, who is Matt?</b></p>

DESHEILA HOWLETT  
December 27, 2017

Page 245

1 **A. Deputy Chief Matt Nichols.**  
2 Q. Matt Nichols, okay.  
3 **A. Matt Nichols. And so I told him that I didn't want to**  
4 **go speak to his class because they're going to be**  
5 **young idealistic kids that have never really**  
6 **experienced anything.**  
7 Q. And what was this class, to clarify?  
8 **A. Something about the lack of -- I mean, the lack of**  
9 **diversity in policing. It was a --**  
10 Q. Okay. Was it like a college course or a high school  
11 course or --  
12 **A. Community college for policing --**  
13 Q. Okay. Go ahead.  
14 **A. -- in Macomb. And so, you know, he kind of kept**  
15 **asking me about it. And then I said, if I go in**  
16 **there, what do you want me to say? He's like, I want**  
17 **you to be honest and just tell them your experience,**  
18 **and if they ask you something, just discuss that. And**  
19 **then I said, I'm going to sound like a victim and then**  
20 **they're gonna say all these things that I should have**  
21 **done and I've never done anything, and that's kind of**  
22 **exactly what happened.**  
23 **So the reason why I'm bringing that up is**  
24 **because prior to talking to Mark for those two hours,**  
25 **Mr. Simlar, that was the first time that I talked**

Page 247

1 **that stuff, and I couldn't put it back down, though.**  
2 **I couldn't section it off how I had done before.**  
3 Q. Now, what was Matt Nichols' rank at that time?  
4 **A. Lieutenant.**  
5 Q. He was a lieutenant. And was this experience -- did  
6 Matt Nichols hear your presentation to this class?  
7 **A. Yes.**  
8 Q. And you were explaining to the class your experience  
9 at the Warren Police Department?  
10 **A. Yes, and that's what he wanted me to do. That's why**  
11 **he asked me to speak.**  
12 Q. And were you explaining to them all of the different  
13 derogatory, demeaning -- racially demeaning and  
14 derogatory and gender conduct you were subject to?  
15 **A. Yes, sir.**  
16 Q. Okay. And was this prior to -- was this prior to or  
17 after you were put back in the same environment where  
18 Shawn Johnson was?  
19 **A. It was after I was put back with Shawn.**  
20 Q. Okay. How long after, approximately?  
21 **A. The class was right before the holidays, so it's all**  
22 **right within that same vicinity of time of last**  
23 **winter. And then after the class, like I said, I**  
24 **couldn't push all that back down, and then I get -- I**  
25 **go on vacation and my coworkers are like, oh, did you**

Page 246

1 **about a span of ten years and what happened.**  
2 Q. Was this prior to or after the Beyer incident? It was  
3 prior -- it was prior to the Beyer incident, but was  
4 it prior to or after the Shawn Johnson incident?  
5 **A. It was after.**  
6 Q. Yeah. And was Matt Nichols aware of the Shawn Johnson  
7 incident --  
8 **A. Yes.**  
9 Q. -- at that point in time?  
10 Okay. And so tell us about your  
11 experience, then, at Matt Nichols' class.  
12 **A. So I get in the class and the kids are just utter**  
13 **dismay and they're like, but aren't you on a team and**  
14 **aren't you guys a group? And I told them, I -- I**  
15 **failed two blue for the black and two black for the**  
16 **blue. You never fit. And then I explained to them**  
17 **the thin blue line, how the police are supposed to**  
18 **protect the citizens from that black -- you know, the**  
19 **line that you talk, and if you're on the team but**  
20 **you're not accepted and you're not trusted or they**  
21 **don't equally reciprocate anything, it's kind of like**  
22 **you're an island of one, is what I told them. And so**  
23 **it was just like I thought, they were saying all these**  
24 **things that I should do.**  
25 **So I leave that class after exposing all**

Page 248

1 **hear what the mayor said? That was like in January.**  
2 Q. What was that about?  
3 **A. Comparing black women to chimpanzees, elongated**  
4 **jawlines and talking about handicapped people and --**  
5 Q. The mayor of the City of Warren?  
6 **A. Yes. And calling women cunts and just a bunch of**  
7 **nasty things. So I get back and they're talking about**  
8 **that, and then Shawn John's lip is busted and**  
9 **Twadesky is like, oh, did you see his lip? Him and**  
10 **Dawn got into a fight. And so it was just like, you**  
11 **know, all these things all at once.**  
12 Q. So did Lieutenant Mc -- Nichols know that you had  
13 problems being back in that same environment with  
14 Shawn Johnson after he had harassed you sexually and  
15 racially?  
16 **A. Yeah, he knew I had been put back.**  
17 Q. Okay. And did you -- did he know that you didn't want  
18 to be back there?  
19 **A. Well, I told them that I wouldn't have taken the**  
20 **promotion if I had known.**  
21 Q. Okay. So he knew that you were put back in that  
22 environment and didn't do anything about it?  
23 **A. Correct.**  
24 Q. Okay. What was that? She's got to hear you.  
25 **A. Yes.**

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Pages 245 to 248



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 249</p> <p>1 Q. You remember counsel asked you a question about 2 Roland Bell? 3 <b>A. Yes, sir.</b> 4 Q. And he said you were walking gingerly because of all 5 that big, black -- that -- and that name they -- the 6 male genital. 7 <b>A. Yes, sir.</b> 8 Q. Okay. And counsel asked you, didn't Roland Bell bring 9 you diapers and formula and coach an all-black 10 football team? 11 <b>A. Yes, sir.</b> 12 Q. Okay. Do you think that was an equal exchange for 13 allowing him to insult you -- 14 <b>A. No, sir.</b> 15 Q. -- with such racially and sexually demeaning 16 conduct -- 17 <b>A. No, sir.</b> 18 Q. -- verbal conduct? 19 <b>A. No, sir.</b> 20 Q. Do you think all those other things he did justified 21 him making that racially and -- and sexually demeaning 22 statement to you? 23 <b>A. No, sir.</b> 24 Q. Do you think there's any basis that would justify that 25 kind of demeaning verbal conduct?</p>	<p style="text-align: right;">Page 251</p> <p>1 <b>A. Trying to hurt me.</b> 2 Q. Remember the question counsel asked you about 3 Chisholm? 4 <b>A. Yes, sir.</b> 5 Q. Okay. And he was your partner? 6 <b>A. Sometimes, yes.</b> 7 Q. Sometimes. Okay. And he was the one that indicated 8 that -- or he said that someone indicated to him that 9 his life was in danger when working with you; is that 10 correct? 11 <b>A. Yes.</b> 12 Q. Did I -- did I say that right? 13 <b>A. They wanted to know if he was concerned for his own 14 safety, if he had to be my partner.</b> 15 Q. Okay. And what was your understanding as to why they 16 would ask him that question? 17 <b>A. I was already promoted to detective and a lot of the 18 younger or new people hadn't worked with me yet, and 19 they weren't working there at the time that he and I 20 worked together, so they didn't know we had a prior 21 history. So my understanding was, out of all the 22 things he had to be worried about, being promoted to 23 detective and all the new stuff he had to learn, the 24 only thing people was asking him was, how do you feel 25 about having to work with Howlett.</b></p>
<p style="text-align: right;">Page 250</p> <p>1 <b>A. No, sir.</b> 2 Q. What's on the south side of Warren? 3 <b>A. That's considered south of Ten Mile, so it would be 4 between Eight and Ten Mile, and then from Dequindre 5 all the way down to Hayes is considered the south end 6 of town.</b> 7 Q. Okay. Does that consist of a particular race or group 8 of people or a class of people? 9 <b>A. It's different races, but it will be considered the 10 poorer section of town. That's where most majority of 11 the crimes occur where we get most of our police runs 12 to.</b> 13 Q. Okay. And this Jason Booms used the N word. Do you 14 recall that question counsel asked you -- 15 <b>A. Yes.</b> 16 Q. -- about Jason Booms using the N word? And in your 17 opinion, was he using the N word excessively and 18 unnecessarily? 19 <b>A. Yes, sir.</b> 20 Q. Okay. And in your opinion, was it connected with his 21 duty as an officer? 22 <b>A. It wasn't necessary, no.</b> 23 Q. And so what was your opinion as to why he was using 24 that racially derogatory and demeaning word in your 25 presence?</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. But how did that relate to him being concerned about 2 his life being in danger? 3 <b>A. Because that's what they were saying, aren't you 4 concerned about your welfare, having to work with 5 Howlett.</b> 6 Q. So what -- what's your understanding of what they 7 meant by his welfare? 8 <b>A. His safety.</b> 9 Q. Okay. And how would that -- his safety come into 10 question while working with you? 11 <b>A. It just seems like some kind of way, I'm a problem or 12 problems are associated with me. So it's all these 13 detectives up there and they're only asking, is that 14 his biggest concern, and he just brushes it off like, 15 we already worked together. It's not a problem.</b> 16 Q. Okay. Did -- did I understand you earlier to say that 17 that was also in the context -- or did I misunderstand 18 you and say that was also in the context of not 19 getting backup? 20 <b>A. There was another situation where him and I were out 21 on a run and we didn't receive assistance so he used 22 his cell phone to call for help.</b> 23 Q. I see. I see. And is that, according to your 24 understanding, what you believe was meant by him being 25 concerned for his safety or others asking him about</p>

DESHEILA HOWLETT  
December 27, 2017

Page 253

1 him being concerned for his safety, working with you?  
2 **A. Us not getting a backup was after he had told me that**  
3 **that was people's questions of whether it was his**  
4 **concern.**  
5 Q. Okay. Okay. But you had problems with backup before  
6 you and he were working together; correct?  
7 **A. Yes.**  
8 Q. Remember counsel asked you about the backup and you  
9 indicated that -- you gave an example where the  
10 detectives finally showed up?  
11 **A. Yes.**  
12 Q. Okay. It's **my understanding from your testimony --**  
13 **and maybe I misunderstood -- that after you had**  
14 **complained about not having backup, that that problem**  
15 **was fixed, that you did get proper backup, timely**  
16 **backup; is that true?**  
17 **A. I didn't complain.**  
18 Q. You didn't complain?  
19 **A. No.**  
20 Q. Was the problem ever fixed of you -- in other words,  
21 did you ever begin to receive proper, timely backup?  
22 **A. No.**  
23 Q. Okay. From your testimony earlier, it would appear  
24 that that's what you were saying, is that ultimately  
25 you did get proper backup.

Page 254

1 **A. No.**  
2 Q. That's not -- yeah, go ahead.  
3 **A. Earlier, I stated that I changed how I did things.**  
4 **Instead of getting there so promptly or so fast, I**  
5 **took her advice and I would slow down and make sure**  
6 **that they're out before me so that I wouldn't be**  
7 **alone.**  
8 Q. Okay. You took whose advice?  
9 **A. Dispatcher Broach, Debbie Broach.**  
10 Q. Debbie Broach. What was her advice?  
11 **A. To slow down and not be the first one out so that I**  
12 **wouldn't be left alone too long.**  
13 Q. So you were now out policing and going to calls that  
14 required you to get there quicker, but you did not  
15 get -- you did not -- you purposely did not get there  
16 quicker -- as quick as -- as quickly as you could have  
17 because of your concern for improper -- concern about  
18 improper backup?  
19 **A. Yes, sir.**  
20 Q. Okay. So how often or -- on average, how much delay  
21 in time would occur in your getting to a particular  
22 scene that you were dispatched to because of your  
23 concern for improper backup?  
24 **A. If I was already close to the area, I would just stay**  
25 **parked for a while until I could kinda hear the sirens**

Page 255

1 **or hear them coming or they saying, I'm almost out.**  
2 **But if I was further away from a run, I would start in**  
3 **the direction of it and then kind of just park a block**  
4 **or two away, and then when I hear them call out, I**  
5 **would turn the corner and --**  
6 Q. When you hear them call out what, Ms. Howlett?  
7 **A. Police officers call out on the scene.**  
8 Q. Okay. So when they got on the scene, that's when you  
9 went there? Okay. And that delay, could that have  
10 put the lives of citizens in jeopardy?  
11 **A. Probably.**  
12 Q. Probably.  
13 **A. Yes, sir.**  
14 Q. Okay. What would you say the delay in time was on  
15 average? I know it would differ from situation to  
16 situation, but on average, how much delay in getting  
17 to a scene would occur?  
18 **A. I don't -- I don't know the exact time. I just know I**  
19 **would go from going as fast as I could to slowing**  
20 **down, so so many minutes per run.**  
21 Q. Okay. Okay. And your fear of getting there prior to  
22 backup was what exactly, for the record? Let's be  
23 clear.  
24 **A. When she told me that they were not coming in the most**  
25 **direct route to me and that they would come but they**

Page 256

1 **would go the long way around or they would call out**  
2 **for lunch, it made me feel like my life was in danger.**  
3 Q. Okay. How so, Ms. Howlett? We have to put this in  
4 the record. And I know you already know, but we need  
5 to make the record clear. How did you feel your life  
6 was in danger as a result of going directly to the  
7 scene when you're dispatched rather than slowing down?  
8 **A. Because if you're being left alone for an unnecessary**  
9 **amount of time or extra time, the chances of something**  
10 **happening and you not having assistance is greater.**  
11 Q. Okay. What could possibly happen? What are the basic  
12 tenets of police rules in going to a scene that causes  
13 you to be concerned about your safety, your wellbeing  
14 and getting there before backup?  
15 **A. Serious runs, they assign a two-man car, so that's**  
16 **physically two police officers working in one car.**  
17 Q. Yes.  
18 **A. But most of the time I was assigned an individual car.**  
19 **So what they tried to do, if they don't have a two-man**  
20 **available, is send two individual cars --**  
21 Q. Okay.  
22 **A. -- to handle a serious run.**  
23 Q. Okay.  
24 **A. So now if you're in your car and you're there alone,**  
25 **until the other person comes, you're alone.**

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Pages 253 to 256

DESHEILA HOWLETT  
December 27, 2017

Page 257

1 Q. Okay. So what could possibly happen, Ms. Howlett? I  
2 know you've lived this life, but let's not assume that  
3 those who would possibly benefit from the -- your  
4 testimony, knowing graphically what could possibly  
5 happen to put -- to jeopardize your wellbeing by being  
6 out alone without proper backup?  
7 **A. I could have been injured. I could have been maimed.**  
8 **I could have been killed.**  
9 Q. Okay. By what and whom?  
10 **A. The arresting person that I'm there to secure or a**  
11 **person coming down off of some type of narcotic. You**  
12 **know, a citizen who is not pro police, anything.**  
13 Q. You remember counsel asked you a question about  
14 Derek Scott painting your house and he asked you if  
15 you would let someone hateful in your house. Did you  
16 know whether or not Derek Scott was hateful?  
17 **A. That was Kevin Barnhill.**  
18 MR. ACHO: Just so the record's clear --  
19 BY MR. MUNGO:  
20 Q. I'm sorry, Kevin -- Kevin Barnhill. Did you know  
21 whether or not he was hateful?  
22 **A. We didn't have problems at the time he painted my**  
23 **house. That happened later.**  
24 Q. Okay. Do you -- how do you measure whether or not  
25 someone is hateful?

Page 259

1 Q. And is that your understanding of what Dr. Shiener's  
2 understanding of your situation is?  
3 **A. Yes, sir.**  
4 Q. And how do you know that? Because you've had  
5 conversations with Dr. Shiener?  
6 **A. Yes, sir.**  
7 Q. There was a litany of things that counsel took you  
8 through in terms of your experience at Oak Park where  
9 there was all these criticisms by the -- you may have  
10 to help me with the person's name.  
11 **A. Lieutenant Pousak.**  
12 Q. Lieutenant Pousak. And notwithstanding -- did the  
13 City of Warren have access to all of that information  
14 and those records and personnel files from Oak Park?  
15 **A. Yes, sir.**  
16 Q. Prior to hiring you?  
17 **A. Yes, sir.**  
18 Q. And was there any discussion with you by -- in fact,  
19 who did your background check at Warren before you  
20 were hired?  
21 **A. It would have been Lieutenant Gallasso at the time.**  
22 Q. Lieutenant Gallasso. Did he mention -- did you have  
23 an opportunity to discuss with him about your  
24 experience in Oak Park prior to you being hired in  
25 Warren?

Page 258

1 **A. If they continue to repeatedly do the same thing over**  
2 **and over knowing that it's offending you because they**  
3 **can tell that you're not happy with it and they just**  
4 **continue to do it.**  
5 Q. Okay. Could someone in -- in Kevin Barnwell's  
6 situation may have been interested in the money, and,  
7 therefore, disguised his hatred or dislike of blacks  
8 when he came to paint your house?  
9 **A. I don't know.**  
10 Q. So do you really know whether or not he was hateful of  
11 blacks?  
12 **A. No.**  
13 Q. Okay.  
14 VIDEO TECHNICIAN: Hey, Leonard, I have to  
15 switch tape in like three minutes, just so you know.  
16 MR. MUNGO: Okay. All right.  
17 BY MR. MUNGO:  
18 Q. Counsel raised the issue of -- in the Shiener's report  
19 right after the sentence where it indicated that you  
20 were married to another -- that you were married to a  
21 same sex and right -- that sentence right after says  
22 you were in a committed relationship with another  
23 female. What is your understanding of that statement?  
24 **A. That Dr. Shiener was talking about me being in a**  
25 **committed relationship with my wife.**

Page 260

1 **A. Yes. He talked with me and my parents.**  
2 Q. Okay. And what did he say about Oak Park?  
3 **A. That he felt like it was personal, one person**  
4 **nitpicking and attacking, and it was a shame that my**  
5 **career had been stopped or suspended over something**  
6 **stupid. And then he gave an example of me patrolling**  
7 **too long or -- you know, me being out on patrol too**  
8 **long, and then he said to my parents, what could be**  
9 **wrong with that? And then he mentioned the thing**  
10 **about me not going to get lunch for the troops, how**  
11 **that's not even work related but it's in my personnel**  
12 **file.**  
13 Q. Okay. So they didn't think anything of -- they  
14 thought they saw Lieutenant Paluso --  
15 **A. Pousak.**  
16 Q. Pousak. They saw Lieutenant -- the Warren Police  
17 Department saw Lieutenant Pousak's criticisms of you  
18 as being personal?  
19 **A. Yes.**  
20 Q. And not professional?  
21 **A. Yes.**  
22 Q. Okay.  
23 VIDEO TECHNICIAN: I think if you want to  
24 get it on video, I'm going to have to switch. I'm  
25 running -- I'm running out.

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Pages 257 to 260



DESHEILA HOWLETT  
December 27, 2017

Page 261	Page 263
<p>1 MR. MUNGO: Do what you need to do, my 2 friend. 3 VIDEO TECHNICIAN: Off the record, 4:37. 4 (Off the record at 4:37 p.m.) 5 (Back on the record at 4:38 p.m.) 6 VIDEO TECHNICIAN: Back on the record, 7 4:38. 8 BY MR. MUNGO: 9 Q. All right. You recall counsel asked you earlier about 10 your turning down potential jobs with the various 11 police departments that you applied to between your 12 employment at Oak Park and Warren, that you turned 13 them down because it wasn't enough pay. 14 A. Yes, sir. 15 Q. Okay. Why were you concerned with the pay, the amount 16 of pay? 17 A. The amount of time that I had spent in Detroit, being 18 six-and-a-half years -- 19 Q. Yes. 20 A. -- and to start over in seniority for the same or 21 almost equivalent benefit, it wouldn't -- it wouldn't 22 behoove me. I would have to get another job after I 23 retire and basically work until I die. 24 Q. Okay. Okay. Was there any particular reason why you 25 should -- you believe you should have accepted less</p>	<p>1 you? 2 A. No. 3 Q. How do you know? 4 A. Because I never told anybody. 5 Q. Okay. Did -- do you think that anyone else may have 6 been privy to that information or maybe have overheard 7 that information -- 8 MR. ACHO: Objection. 9 BY MR. MUNGO: 10 Q. -- being -- being conveyed to you? 11 MR. ACHO: Speculation. 12 A. Not that I know of. 13 BY MR. MUNGO: 14 Q. Not that you know of. Okay. And how many occasions 15 were you told that by this officer? 16 A. Quite a few times because we would end up at the same 17 runs together or we would bump into each other in the 18 common area hallway or in the front lobby of the 19 police station. 20 Q. Okay. So when he said he wouldn't help you, in your 21 mind, did that include when you go out on runs, 22 dispatch? 23 A. Yes. Because he was a primary helper on runs. 24 Q. And so did you interpret that as something that would 25 put your life in peril?</p>
Page 262	Page 264
<p>1 rather than more pay when you could command more pay? 2 A. Not with my experience and having a degree, no, sir. 3 Q. Okay. Remember counsel asked you about Houtos and he 4 asked you -- Houtos was asking you about the 5 blue-black. 6 A. Houtos. 7 Q. Houtos, I'm sorry. 8 A. Yeah. 9 Q. Houtos. Who is Houtos... 10 Okay. Counsel asked you whether or not he 11 intended -- you believe he intended to injure you. Do 12 you know whether or not -- what his intent was? 13 A. I don't know his intention was. 14 Q. Okay. Did it injure you emotionally? 15 A. I felt it was unfair to come to me for everything 16 black, every black question. 17 Q. So did you feel offended or injured behind that or 18 not? 19 A. Yes. 20 Q. And he was the same individual -- he was a sergeant 21 who said that if you didn't help him -- if you didn't 22 go out with him, he wouldn't help you? 23 A. No. That was Officer Paul Kelly. 24 Q. Officer Paul Kelly, okay. Did any of the command -- 25 was any of the command aware of that demand put upon</p>	<p>1 A. Yes, sir. 2 Q. And when he asked you to go out with him, what do you 3 think he was asking you for? 4 A. To date. 5 Q. To date for what purpose? 6 A. Possibly a sexual relationship because although he was 7 married, he would kind of have relationships with 8 other people outside of his marriage. 9 Q. Okay. Okay. I'm going to ask you -- you've been off 10 work now as a Warren police officer for how long? 11 A. Technically, February 1st, that Friday that I showed 12 up and they sent me home. 13 Q. February 1st of what year? 14 A. 2017. 15 Q. Of 2017. And did you continue to receive a paycheck? 16 A. I had 40 days of sick time that they paid me for, they 17 put me on a FMLA, which is Family Medical Leave Act, 18 and currently I'm on unpaid medical. 19 Q. Okay. So for how long did you receive a paycheck or 20 any form of income, any -- any source or form of 21 income from the City of Warren since you've been off 22 or since you used up your sick time? 23 A. My 40 days would have run out back in April. 24 Q. So the last time you received a paycheck from the City 25 of Warren was when?</p>

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DESHEILA HOWLETT  
December 27, 2017

Page 265

1 **A. I believe it was April.**  
2 Q. April of 2017?  
3 **A. Yes, sir.**  
4 Q. And since then, no income at all?  
5 **A. No, sir.**  
6 Q. No unemployment?  
7 **A. No.**  
8 Q. No workers' comp?  
9 **A. No, sir.**  
10 Q. No short-term disability benefits?  
11 **A. No, sir.**  
12 Q. Okay. Did you apply for workers' comp?  
13 **A. Yes.**  
14 Q. And were you denied?  
15 **A. Yes.**  
16 Q. Okay. Did you apply for short-term disability  
17 benefits?  
18 **A. Yes.**  
19 Q. Were you denied?  
20 **A. Yes.**  
21 Q. Okay. Is it your understanding that the City of  
22 Warren has told you that since your injury was work  
23 related, as counsel here today has also confirmed,  
24 that because your income -- because your injury was  
25 work related, that you are not entitled to a

Page 267

1 understand that that's the City's position, is that  
2 you're not entitled to short-term disability because  
3 your injury was work related?  
4 **A. Yes, sir.**  
5 Q. Okay. What was your income prior to your leaving on  
6 sick -- because you were unable to work, what was  
7 your -- what was your income, annual income, at the  
8 City of Warren as a police officer?  
9 **A. \$9,000.**  
10 Q. \$9,000. And did you also have benefits?  
11 **A. Medical packages.**  
12 Q. Medical package. Do you have any idea what that  
13 medical package is worth?  
14 **A. Between 12- to 14,000 per employee, I believe.**  
15 Q. Per employee, okay. 12- to 14,000, okay.  
16 So your total including your income -- as  
17 best you are able to determine, your total income,  
18 including benefits, with the City of Warren as a  
19 police officer -- and I think you were serving as a  
20 sergeant; is that correct?  
21 **A. Detective.**  
22 Q. Detective. Was what, if you were to add both your  
23 annual income coupled with your benefits?  
24 **A. It would have been in the 100,000 marker, 105-,**  
25 **somewhere in there.**

Page 266

1 short-term disability?  
2 **A. Short-term disability. Basically, after I was denied,**  
3 **it's now under review, I guess. They're looking into.**  
4 Q. Okay. Did you hear counsel -- counsel gave me these  
5 documents today concerning your application --  
6 **A. Okay.**  
7 Q. -- for disability and the -- counsel -- general  
8 counsel for the City of Warren indicated that your  
9 short-term disability benefits was denied because your  
10 injury was work related. Did you hear him say that  
11 today?  
12 **A. Yeah, I heard him say that. That was my first time**  
13 **hearing it.**  
14 Q. I just want to know if you heard it.  
15 **A. Yes.**  
16 Q. Okay. All right. And did you agree with that  
17 position?  
18 **A. That my injury's work related?**  
19 Q. That your short-term disability benefits are precluded  
20 because your injury is work related. Do you agree  
21 with that assessment?  
22 **A. I don't know what -- what the rules are on when you**  
23 **get unemployment, short-term versus long-term**  
24 **disability.**  
25 Q. Okay. So you're not familiar with that. But you do

Page 268

1 Q. \$105,000 a year, okay. And how old are you now?  
2 **A. 44.**  
3 Q. 44. And what was the retirement age there at the City  
4 of Warren? The earliest you could retire?  
5 **A. You have to be -- they do 30 and out there, so -- I**  
6 **mean, I'm sorry, 25 and out. So 25 plus whatever age**  
7 **you hired in at. You know, you could be finished**  
8 **after 25 years.**  
9 Q. Okay. And so how many more years would you have had  
10 to work there at Warren before you were able to  
11 retire?  
12 **A. 15.**  
13 Q. Another 15 years, okay. Okay. And so how have you  
14 survived without any income up to this point since --  
15 since April of 2017?  
16 **A. My wife's income.**  
17 Q. Okay. And counsel asked you a question earlier, do  
18 you recall as to your ability -- your ability to  
19 return to work, and you answered the question -- and I  
20 don't want to -- I'm not even sure if I can repeat  
21 your answer exactly, but I want the record to be  
22 clear. Are you able to return to work?  
23 **A. Not in policing, no.**  
24 Q. Not in policing. And why is that, as best as you can  
25 explain for the record.

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Pages 265 to 268

DESHEILA HOWLETT  
December 27, 2017

Page 269	Page 271
<p>1 <b>A. The way she's explaining to me is like --</b>  2 Q. The way "she" who?  3 <b>A. My -- the way my doctor is explaining it is because it</b>  4 <b>happened --</b>  5 Q. Which doctor?  6 <b>A. Valivonis. That so many things happened over such a</b>  7 <b>period of time from so many different people, that the</b>  8 <b>working environment for me has pretty much been</b>  9 <b>sullied as far as being in policing where you also</b>  10 <b>have to trust, respect one another and know that</b>  11 <b>they're going to be there for your safety, so...</b>  12 Q. Okay. Did she ever indicate that you were able to  13 return to work at all in any profession?  14 <b>A. She said probably with six months to a year or more of</b>  15 <b>therapy, and if I stayed on medication.</b>  16 Q. Have you began to explore alternative careers?  17 <b>A. I'm looking into potentially just completely getting</b>  18 <b>out of law enforcement and going into, like, interior</b>  19 <b>design.</b>  20 Q. Okay. Are you working with any particular  21 professionals to assist you with that transition?  22 <b>A. Yes, I have a work coach.</b>  23 Q. Okay. And who is that?  24 <b>A. I can't remember his name offhand. Is it Ancell?</b>  25 Q. Dr. Ancell?</p>	<p>1 Q. Your friends and family. Have you -- have you -- you  2 have complained to them --  3 <b>A. Yes, sir.</b>  4 Q. -- about that? Okay. And then just for a moment, can  5 you tell me, generally, how this has affected your  6 life, the quality of your life? What is your life  7 like now compared to what it was before you had  8 experienced this discrimination and it had culminated  9 into this landslide of avalanche of emotional  10 dishevelment in your life in requiring--  11 MR. ACHO: Is there any other colorful  12 adjective you wish to editorialize with? I mean,  13 goodness, I've been giving --  14 BY MR. MUNGO:  15 Q. You can -- you can describe the difference. Do you  16 need the question again?  17 <b>A. No.</b>  18 Q. Okay.  19 <b>A. When you lose your profession and it's something that</b>  20 <b>you've done your entire adult life and my ability to</b>  21 <b>provide for my family, you know, and so it's a sense</b>  22 <b>of kind of bewilderment because you haven't done</b>  23 <b>anything wrong, you. Followed all the rules, you go</b>  24 <b>to school, you don't commit a crime, you get into your</b>  25 <b>career and it's supposed to end in some type of</b></p>
Page 270	Page 272
<p>1 <b>A. Ancell.</b>  2 Q. Okay. He's an occupational therapist or --  3 <b>A. Yes.</b>  4 Q. Okay. Occupational. Yeah, I think that's the term  5 for it. That helps you with selecting a career and  6 planning for transition from one career to another.  7 And by the way, do you have an expert to  8 help you determine what your exact economic losses  9 would be as a result of the discriminatory acts of the  10 City of Warren and the police department?  11 <b>A. Yes, sir.</b>  12 Q. Okay. And who would that expert be?  13 <b>A. I haven't met with him yet.</b>  14 Q. Okay. But you do have an expert?  15 <b>A. Yes.</b>  16 Q. Okay. Had you complained to anyone other than those  17 that you've gone on the record here today as having  18 complained to who are members of the Warren Police  19 Department, whether in command or not, about the  20 discriminatory and demeaning treatment that you have  21 received while working at the Warren Police  22 Department?  23 <b>A. Other than the people that I've already mentioned</b>  24 <b>related to work, it would just be my friends and</b>  25 <b>family.</b></p>	<p>1 retirement/pension kind of thing. And so to have to,  2 first of all, get myself together mentally and  3 emotionally and heal from all of this and move  4 forward, and then start over back in school trying to  5 get into a whole other field, it's just -- it's too  6 much to fathom for me, you know.  7 And so living in a city that I can no  8 longer work for, but I can't even move out of it, to  9 feel a peace of mind -- imagine cutting your grass or  10 going to the mailbox and always looking over your  11 shoulder. It's just -- it's bad. My blinds are  12 closed. I don't go out a lot because people are  13 continuously like, oh, well, what's next? Well, I'm  14 still trying to survive this, you know.  15 So my schedule is opposite everybody's.  16 You know, I try to be at home on the weekends when my  17 neighbor go up north and just be opposite of  18 everybody. So pretty much just sedentary and going to  19 these appointments for counseling.  20 MR. MUNGO: Okay. I think that's it for  21 me.  22 MR. ACHO: I do have some followup.  23 RE-EXAMINATION  24 BY MR. ACHO:  25 Q. You just said, you know, it's hard because you haven't</p>

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Pages 269 to 272



DESHEILA HOWLETT  
December 27, 2017

<p style="text-align: right;">Page 273</p> <p>1 done anything wrong, you followed all the rules. But</p> <p>2 you didn't follow all the rules, did you? Police</p> <p>3 departments have policies; correct? And they're meant</p> <p>4 to be followed; correct?</p> <p>5 <b>A. Yes.</b></p> <p>6 <b>Q.</b> One such policy the City of Warren has, the P.D., is</p> <p>7 that when you're a single officer in a single patrol</p> <p>8 car, that you are not to go on a run and you are not</p> <p>9 to engage until you have backup; correct?</p> <p>10 <b>A. If at all possible.</b></p> <p>11 <b>Q.</b> That's the policy; right?</p> <p>12 <b>A. Not if a person is being murdered or hollering for</b></p> <p>13 <b>help.</b></p> <p>14 <b>Q.</b> Did you ever encounter a situation where a person was</p> <p>15 being murdered and you didn't have backup?</p> <p>16 <b>A. No.</b></p> <p>17 <b>Q.</b> Okay. So the policy is that you weren't to engage</p> <p>18 until you had backup. Isn't that what Ms. Broach told</p> <p>19 you?</p> <p>20 <b>A. No, that's not what she told me.</b></p> <p>21 <b>Q.</b> Isn't that why she told you not to arrive so soon?</p> <p>22 <b>A. No.</b></p> <p>23 <b>Q.</b> Mr. Mungo asked you about commanding officers possibly</p> <p>24 hearing allegedly racist and sexist comments. Do you</p> <p>25 recall that?</p>	<p style="text-align: right;">Page 275</p> <p>1 <b>A. Not all the time, no.</b></p> <p>2 <b>Q.</b> In fact, virtually none of the times. So aren't you</p> <p>3 really partially or largely at fault for things going</p> <p>4 south with you in Warren? Would you admit that?</p> <p>5 <b>A. I accept my responsibility and being there for ten</b></p> <p>6 <b>years.</b></p> <p>7 <b>Q.</b> All right. So you accept the responsibility for not</p> <p>8 complying with the orders.</p> <p>9 <b>A. For the safety of my life, yes.</b></p> <p>10 <b>Q.</b> That's how you view it.</p> <p>11 <b>A. Yes.</b></p> <p>12 <b>Q.</b> You gave some testimony regarding Mr. Simlar. You</p> <p>13 said he had tears in his eyes, which, I believe,</p> <p>14 because he's a humane individual. But you also said</p> <p>15 that he said, this is institutional, but that is not</p> <p>16 necessarily accurate, is it?</p> <p>17 <b>A. Why would that be?</b></p> <p>18 <b>Q.</b> Well, isn't the way the conversation went down is,</p> <p>19 Mr. Simlar said to you, after your comments, so based</p> <p>20 on what you're telling me, you think this is</p> <p>21 institutional? Wasn't he simply congealing your</p> <p>22 comments and reducing them down to that?</p> <p>23 <b>A. The way that myself and the female that was sitting in</b></p> <p>24 <b>the room looked at each other was that he was</b></p> <p>25 <b>acknowledging that the problem in Warren is a</b></p>
<p style="text-align: right;">Page 274</p> <p>1 <b>A. Yes.</b></p> <p>2 <b>Q.</b> You don't know if these command officers knew whether</p> <p>3 or not these other officers were joking with you, do</p> <p>4 you?</p> <p>5 <b>A. I knew that they knew about it, but I don't know in</b></p> <p>6 <b>what context they took it.</b></p> <p>7 <b>Q.</b> Exactly. So they don't know if it's joking or not;</p> <p>8 correct?</p> <p>9 <b>A. Well, Sergeant Mills said Shawn was being stupid.</b></p> <p>10 <b>Q.</b> Right. But he doesn't -- stupid, silly, acting a</p> <p>11 fool, these are all terms given to people joking</p> <p>12 around; right?</p> <p>13 <b>MR. MUNGO:</b> Objection --</p> <p>14 <b>BY MR. ACHO:</b></p> <p>15 <b>Q.</b> Correct?</p> <p>16 <b>MR. MUNGO:</b> -- assumes a fact that's not in</p> <p>17 evidence.</p> <p>18 <b>A. For me, no.</b></p> <p>19 <b>BY MR. ACHO:</b></p> <p>20 <b>Q.</b> Okay. For you, no. But you don't know what the</p> <p>21 command officers knew, do you?</p> <p>22 <b>A. No, I don't.</b></p> <p>23 <b>Q.</b> Correct. And that is the reason why these policies</p> <p>24 existed for you to make complaints, but you didn't;</p> <p>25 correct?</p>	<p style="text-align: right;">Page 276</p> <p>1 <b>institutional problem because he continued to state</b></p> <p>2 <b>that he didn't know what he was going to do to help</b></p> <p>3 <b>because it was, like, bigger than the scope of what he</b></p> <p>4 <b>thought and that it involved so many different layers,</b></p> <p>5 <b>so many different people.</b></p> <p>6 <b>Q.</b> Fair enough. But just so the record is clear, what</p> <p>7 Mr. Simlar said is, Ms. Howlett, what you're telling</p> <p>8 me is, you believe this is institutional.</p> <p>9 <b>A. No, not that I believe. He was saying that he thought</b></p> <p>10 <b>it was institutional, because I never said the word,</b></p> <p>11 <b>"institutional."</b></p> <p>12 <b>Q.</b> I understand Mr. Simlar said the word,</p> <p>13 "institutional," but just so we are accurate, what</p> <p>14 Mr. Simlar said to you was, so what you're telling me</p> <p>15 is you believe this is institutional.</p> <p>16 <b>A. That's not how -- in the context of how he said it,</b></p> <p>17 <b>that I believe, no.</b></p> <p>18 <b>Q.</b> How you believe. But you don't know 100 percent what</p> <p>19 he said; correct?</p> <p>20 <b>A. No, he never said how I believe.</b></p> <p>21 <b>Q.</b> What did he say exactly?</p> <p>22 <b>MR. MUNGO:</b> Objection, asked and answered.</p> <p>23 <b>MR. ACHO:</b> I don't know if it has been.</p> <p>24 <b>MR. MUNGO:</b> It certainly has been.</p> <p>25 <b>A. This problem is institutional.</b></p>

DESHEILA HOWLETT  
December 27, 2017

Page 277

1 BY MR. ACHO:  
2 Q. That's -- those were his exact words?  
3 A. Yes.  
4 Q. It was a statement.  
5 A. And another person was in the room. Ask her.  
6 Q. Who was that person?  
7 A. His assistant.  
8 MR. ACHO: I don't have anything further.  
9 MR. MUNGO: I don't have anything further  
10 either.  
11 MR. VINSON: Just take a little break.  
12 MR. ACHO: I'm sorry?  
13 MR. VINSON: Take a little break.  
14 MR. ACHO: Let's just take a quick break,  
15 I'm sorry. I may have something further.  
16 VIDEO TECHNICIAN: Off the record, 4:59.  
17 (Off the record at 4:59 p.m.)  
18 (Back on the record at 5:05 p.m.)  
19 MR. ACHO: So, Ms. Howlett, I have nothing  
20 further and I thank you for your time today.  
21 THE WITNESS: Thank you, sir.  
22 (Proceedings concluded at 5:05 p.m.)  
23  
24  
25

Page 278

1 CERTIFICATE OF NOTARY  
2 STATE OF MICHIGAN )  
3 ) SS  
4 COUNTY OF OAKLAND )  
5  
6 I, ALISON WEBSTER, certify that this  
7 deposition was taken before me on the date  
8 hereinbefore set forth; that the foregoing questions  
9 and answers were recorded by me stenographically and  
10 reduced to computer transcription; that this is a  
11 true, full and correct transcript of my stenographic  
12 notes so taken; and that I am not related to, nor of  
13 counsel to, either party nor interested in the event  
14 of this cause.  
15  
16  
17  
18  
19  
20  
21 ALISON WEBSTER, CSR-6266, RPR  
22 Notary Public,  
23 Oakland County, Michigan.  
24 My Commission expires: May 1, 2023  
25



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Pages 277 to 278